

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

ELECTORAL AMENDMENT BILL 2001

Consideration in Detail

Clause 1: Short title -

Mr BARRON-SULLIVAN: Let us call a spade a spade. The broad intention of this legislation was discussed during the second reading debate. However, it would be anyone's guess to try to understand what the Government is really up to with this legislation on reading the short title, which is -

This Act may be cited as the Electoral Amendment Act 2001.

I move -

Page 1, line 8 - To delete "*Electoral Amendment Act*" and substitute the following -

Electoral (Transfer of Districts from Regional to Metropolitan Areas) Act

The purpose of this amendment is simple - to tell it the way it is. If the Government is bringing forward major legislation such as this - we will also be dealing with a complementary Bill - it is only fair to give the Bill a title that really depicts what the legislation is all about. In a nutshell, this legislation is about taking eight seats from the country and moving them to the metropolitan area. That should be in the title. We should tell the people of Western Australia that we are honest enough to name a Bill after the intent and direction of the provisions of the legislation. If members consider the legislation and the impact it will have, they will be able to understand why people in country Western Australia are upset by the Government's actions. Western Australia has a massive landmass. Under this legislation, 42 of the 57 seats in this Chamber would cover barely 0.2 per cent of the total area of the State, which is about one-fifth of one per cent of the State's land area. The South West, Agricultural, and Mining and Pastoral Regions account for more than 99 per cent of the State's total land area. However, under this legislation, barely 15 members of Parliament would represent those regions. Members can understand the reality of this legislation. The Government is clearly intent on shifting members from country areas into new metropolitan seats, which is arguably for the blatant political gain of the Australian Labor Party. Let us give this legislation a name that reflects exactly what the minister, the Premier and the Labor Party are trying to achieve. If it were titled the Electoral (Transfer of Districts from Regional to Metropolitan Areas) Bill, it would hit the nail right on the head.

I will comment on the current composition of the House for each region and what will happen under this legislation. The Mining and Pastoral Region currently has six members. Under the contorted mathematical witchcraft the Government has included in this legislation, the number of members covering that region in the lower House would be reduced to four. That would dispose of two country members. The impact would be more severe in the South West Region. Ten members currently cover the seats from Albany through to the north of the South West Region, and east to around Boyup Brook and so forth. The number of members would be reduced to seven; a net loss of three members from the south west country electorates. In the agricultural area, the number would be reduced from seven to four, giving a total reduction from 23 to 15. A number of people have mistakenly thought that that means we are getting rid of eight members of Parliament and they do not want to see them go from the country, but if they do go, at least there will be a reduction in the number of members of Parliament. That is not what this legislation is about; it is about transferring those members into the metropolitan area.

Mr BIRNEY: I support the amendment and comments made by the Deputy Leader of the Opposition. It is important that the Government be completely up front with the people of Western Australia when introducing this legislation. Many people are currently unaware of the situation regarding the Electoral Act. I refer specifically to the fact that some 40 per cent of seats in this Chamber are reserved for country people and the other 60 per cent are reserved for city people. Some country people may argue that that in itself is somewhat inequitable and that it should be at least 50-50. The Government is about sending the ratio in reverse. I am aware that the Government is attempting to implement a system which will reduce the representation of country people from 40 per cent to approximately 26 per cent.

It is important that the Government come clean with the people of Western Australia and reflect its intention in the title of the Bill, that intention being not only to remove some eight seats from country Western Australia, but also to locate those eight seats in the metropolitan area. It is important that the Government tells it as it is. I support the amendment by the Deputy Leader of the Opposition.

Mr AINSWORTH: I support the amendment, because the wording of the Bill as it stands is misleading. First, it does not spell out the intent of the legislation by giving the casual observer an indication of the major changes

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that are proposed to the Electoral Act. More importantly, when amending legislation is introduced into this place, one assumes that at least it will improve existing legislation. This amendment will do the reverse - not only will this move take eight country representatives from the Parliament and replace them with eight city members but also it is being done for the wrong reasons. The Bill would be more fairly named the "Electoral Convenience Bill", or something like that, because it is far more convenient for some political parties to have the proposed change. One of the reasons used by the Government for putting this Bill forward is the perception that somehow the system we have had in this Parliament for 100 years has been unfair. I ask to whom it has been unfair because I am not sure - but unfair is certainly the claim that is being made. My recollection and that of many other members in this Chamber who have been here for any length of time is that if something got in the way of one political party or the other getting its legislation through both Houses of Parliament, the problem did not arise in this House; it arose in the other House. Yet this Electoral Amendment Bill will supposedly improve that situation and make the system fairer, when the one place where there has been a reasonable mix of both conservative and Labor governments has been in this House!

Nothing will be changed in the upper House if the Minister for Electoral Affairs agrees to the proposals put forward by the Greens (WA) that make only minor amendments. One would generally assume that an amendment to the Electoral Amendment Bill would improve the legislation. I suggest that this Bill is inaccurately named.

Mr TRENORDEN: I have been lucky enough to spend three hours at the Dowerin Field Days, although I would have preferred to spend three days there. I express my annoyance about this Bill to the Minister for Electoral Affairs. I hope that my annoyance does not bite at the Minister for Electoral Affairs too often during the next few days, but I am not impressed. I would have liked more opportunities to converse with many of my constituents; however, that is not the point. I am here today because this is where I should be and that is what I am paid to do. In my opinion the matters of the House could have been organised in a better way.

Luckily, in the past I have had the opportunity to visit the new territories of Canada. I have considered and discussed the split of the new territories of Canada with respected members of Parliament in the Inuit territories. I have also considered the Scottish legislation. It is my impression that this amendment is intended to improve the Act by applying modern principles to it. That has not been the case for the four new Parliaments in the western world.

Weighted voting exists in the Scottish Parliament. Interestingly, political parties are not allowed to be represented in the new territories in Canada. It was a bit different, of course, in the new territory called Nunuit because the total length of its roads is only 15 kilometres. Although that has little to do with the debate, it is one of the four new Parliaments of the western world. Ireland has made some minor changes to its legislation.

The new Parliaments to which I refer are in Scotland, Wales and Canada. This Bill does not reflect many of the principles that have been introduced into those Parliaments. The Bill should have a title that reflects the provisions of the Bill. The Bill will take a number of seats out of the south west of the State and move them into the metropolitan area, for political gain.

Mr Graham: The Labor Party does not do it for nothing.

Mr TRENORDEN: That is right. If we are to have open and accountable Government, the Bill should have a title that reflects the content of the Bill.

Mr Graham interjected.

Mr TRENORDEN: That is right. I am pleased that I am having a laugh early in the debate. I hope that we can get through this process without last week's episode.

Mr Hyde interjected.

Mr TRENORDEN: That is right. We are dealing with what will be the number one issue over the next four years for rural Western Australia. The member for Perth has made the effort to ask me a question. Every single person I spoke to today asked me how I would stop the passage of this Bill.

Mr Hyde: Did you explain the maths to them?

Mr TRENORDEN: I did explain the maths to them. I explained that I had no chance of stopping it. When the House sat last week, members debated a motion on an amendment for 40 minutes and it was guillotined. There is no question about what will happen this week. The Government, led by the Minister for Electoral Affairs, will use the weight of its numbers to pass the legislation. This is the sixteenth year that I have been a member of

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Parliament. I know the process. I have had the process directed against me and I have seen the process directed against the Government. I know the process.

The member for Perth and others on my left must understand that the only role the opposition can play - the Nationals are the second party in opposition - is to point out the anomalies and defects in the Bill. We are starting that process, and we will go through it for the next three days.

Mr EDWARDS: The Deputy Leader of the Opposition made the point that we should call a spade a spade. The title of Electoral Amendment Act 2001 is broad and far ranging. The suggested amendment spells out exactly the intention of the Bill: to remove eight seats from regional and rural areas and put them into the metropolitan region. People need to be made aware of that. I am sure country people would appreciate that point being made. I support the change of title.

Mr BARRON-SULLIVAN: When I earlier spoke about the impact this Bill will have in country areas, I got as far as indicating that under the legislation, the number of country seats in the Legislative Assembly will be reduced from 23 to 15 and the number of metropolitan seats will be increased from 34 to 42. To demonstrate the impact on country areas, I do not need to go any further than the wheatbelt and the farming areas of the great southern. I was interested to hear the comments of the member for Roe, with which I agree 100 per cent. I do not think many people in this State would disagree that those areas need effective and strong representation in this Parliament and, ideally, in government ranks - obviously, that is not the case these days. Those areas need strong representation in the Parliament. Under this legislation, the predominantly rural farming areas throughout the wheatbelt and great southern - but not Geraldton, which is principally a town-based seat - would comprise six districts out of a total of 57. Six members out of 57 would represent that entire band of farming territory. Only three members would represent the wheatbelt, which includes the vast majority of the areas affected by the recent drought.

I have asked a number of people in both country and city areas how they feel about the fact that only three members will cover that vast area of land. Everyone I have spoken to thinks it would be a travesty. The agricultural region - admittedly including Geraldton - covers 263 500 square kilometres, or 10 per cent of the total land area of this State. On that basis, at least five or six seats would provide fair representation. I do not think that, in view of the diversity of the region, the hardships its people must endure and the difficulties associated with servicing areas within the region, too many people would begrudge the agricultural communities having seven seats, as they have now. The argument for six seats to represent that area is easily put on a statistical basis, and when individual circumstances are considered, it is hard not to argue that the current number of seven members out of 57 is fair. However, this plan will remove three of those seats and put them into the metropolitan area - hence the need for a more accurate title to reflect what this Bill is about.

I am sure the minister will not support the amendment and that we will not have too much joy in getting it through. However, we could have been exceedingly flippant and suggested a number of other titles for the purpose of a political dig at the Government. I can think of no end of titles that would reflect what the Government is doing - the "Electoral (Enactment of the Labor Party's Power Grab) Act" or the "Electoral (Implementation of Labor's Evil Scheme) Act".

Mr Hyde: The "Equality and Fairness Act".

Mr BARRON-SULLIVAN: The "Inequality and Unfairness for Country Communities Act". That is a good suggestion. Therefore, there could be a number of these provisions. I say the "Evil Scheme Act" because, as I said in the second reading debate, a former Labor leader and former Leader of the Opposition branded Labor's so-called one vote, one value plans as evil. That person, of course, was a country member. The member for Bunbury got to his feet and did not give one reason for how this legislation will benefit the community he purports to represent. It could even be called "The Electoral (the Labor Parties ignoring their local communities in country areas) Act." One could be very flippant but we have tried to come up with something that genuinely depicts the content of this legislation.

The reality is that at the heart of the legislation is a mechanism that requires, in a number of ways, the boundaries to be drawn in such a way that country representation in this Chamber would be reduced by eight members. That is a very important point. A number of issues flow from that. We have heard debate in this place about how the Labor Party can win government without winning one single country seat. Again, these sorts of things need to be demonstrated in the title of the Bill.

Mr McGINTY: Clearly, the members of the Opposition still have not understood what this Bill is about. Democracy is about people. It is about representing people and a system of government that provides that

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representation for people. Democracy, properly expressed, is about allowing every citizen the ability to have an equal say in determining their Government. This Bill is about democracy. It is not about the description in this proposed amendment - a transfer of districts from one region of the State to another. It is about giving effect to the fundamental democratic principle of electoral equality.

Ms Sue Walker: It is about electoral fairness.

Mr McGINTY: It is about fairness and equality and those two terms, to my mind, are synonymous. Members have spoken about representing landmass. That is a very quaint notion. How many members should represent the central desert?

Mr Hyde interjected.

Mr McGINTY: If it is a pointy hill, perhaps there should be more representatives. If there are trees on that hill, then perhaps there should be even more representatives. If there is iron ore in that hill, maybe there should be more representatives there once again. However, this is not about democracy. As I said, equality and fairness are synonymous.

Ms Sue Walker: You keep talking about one vote, one value and equality. You do not talk about fair representation of people.

Mr McGINTY: The essence of fairness is equality.

Ms Sue Walker: No, you do not talk about that. You are very clever the way you have done that.

Mr McGINTY: Thank you.

Mrs Roberts: I think you are very clever too.

Mr McGINTY: There we have it - bipartisan support for the proposition.

This Bill is about representation and what is being represented. It is about representing people, not geographic land forms. Each of the members opposite has argued -

Mr Graham: I agree with you, Attorney General. Do you want to move my next amendment for me?

Mr McGINTY: I have still not thought of an argument against it yet, but we will come to that one.

If the amendment were to refer to electoral equality or representing people, then I could not argue against it being a proper description of what this Bill is about. To simply pick on one by-product or incident of the Bill, which is not its purpose or intent but just happens to be an effect that it delivers, is to misdescribe the Bill and that is the reason that the Government will not support this amendment.

The member for Avon referred to the electoral system in Canada, and he may be aware that the Canadian electoral system is currently being challenged in the Supreme Court of Canada.

Mr Trenorden: For the third time.

Mr McGINTY: Yes, for the third time and on this occasion, it is a challenge based on the Bill of Rights that exists in Canada. Canada has a first-past-the-post system of voting, with single member constituencies. The Green Party in Canada is challenging that system and saying that it is unfair because it denies representation to a significant section of population, namely those people who vote for the Greens. While the Greens get a certain percentage of the vote - this is about fairness and concepts of fairness -

Ms Sue Walker: It's about you using an argument to support your case.

Mr McGINTY: I am referring to the situation in Canada that was raised by the member for Avon. I am responding to the point he raised.

I would hate to see that challenge succeed because it will have the effect of overthrowing the single member constituency, and the electoral system that the Canadians inherited from the British. Nonetheless, that voting system is under challenge, and some of the Canadians to whom I have spoken have indicated that, given the wording of the Charter of Rights, there is a prospect that the challenge will succeed. However, this amendment does not accurately describe what this Bill is about - it is about representing the people.

Mr BARRON-SULLIVAN: The minister consistently misrepresents the argument put forward by this side of the House when he says that the Opposition is trying to argue that the electoral system should be designed around the representation of cows, and area, and so on. When the Opposition talks about vast areas and so on, it is not just doing so as part of some sort of mathematical response to the whole issue. The Opposition is trying to demonstrate the harsh reality, and it is trying to indicate that the one thing that must be taken into account as part

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of this debate is community opinion. I believe it is fair to say that a significant majority of Western Australians, both in city and country areas, would have some regard for the size of electorates, and the overall size of regions. I also believe it is fair to say that most people, and certainly everyone that I have spoken to about this issue, would agree that it would be grossly unfair to have only three members of Parliament, out of a possible 57 members, representing the whole wheatbelt region. We are talking about a region that has recently gone through enormous strife as a result of drought and other ongoing problems, and it will take two to five years at least to get out of the trench that has been dug as a result of those inclement weather conditions, and other factors. It is a region that requires strong and ongoing support in Parliament, and certainly in this Chamber. Most people in the community would say that it would not be a fair outcome to have only three members representing 10 per cent of the land area of the State. The Opposition is not saying that there should be a formula based purely on area. If we consider formulas based purely on area, we do not have to go any further than the Labor Party's proposal. After all, although the Labor Party is saying that electoral boundaries should not be based on areas and so on, that is exactly what this legislation provides, because there is a fixed vote weighting based exactly on area in the mining and pastoral areas. Therefore, it is ironic that the Labor Party is saying that the Opposition supports an electoral system based on area - that is not the basis of our argument - when, in fact, the Labor Party's legislation provides a formula for electoral representation that is very heavily influenced by mathematical witchcraft that is based on the area of individual electorates. I cannot imagine that if we were to tell people in the street that 40 per cent of the Parliament represents the country, and 60 per cent represents the metropolitan area, anyone would say, "Gosh, that is grossly unfair; drop the 40 per cent down to 26 per cent immediately." It is not a majority; it is not even halfway there. However, in view of the different population figures and demographics and so on, most people would say, "Yeah, that sounds about right; 40 per cent country, 60 per cent metropolitan."

Mr Hyde interjected.

Mr BARRON-SULLIVAN: People know that the population figures of the city overwhelm those of the country; and now the Labor Party is trying to overwhelm the city with political representation. The reality is that the Labor Party could win government under this proposal without winning one single country seat. In great deference to my former coalition colleagues, it is the Liberal Party that has the majority of country seats, and I think the Government will find the Liberal Party to be a growing force in country areas. It is hard to see a situation in which the Liberal Party, or the National Party, do not have representation in country Western Australia. However, it is possible that the Labor Party could confront such a situation in the future. If this legislation ever gets through Parliament, I believe that a number of Labor Party members will have very short political careers as a direct result of its implementation. The Opposition is not being flippant. It could have come up with many far worse titles for this legislation, but the Government should call a spade a spade.

I see the minister sitting alone at the Table. I may be wrong, but I think this is the first time, in my short time in this House, that legislation has been dealt with without the minister being assisted by advisers from his department.

Mr McGinty: When a minister is on top of his portfolio, advisers are not required.

Mr BARRON-SULLIVAN: When the House is considering one of the most important pieces of legislation this Parliament will deal with, containing many technicalities, I find it extraordinary that the minister is on his own with no advisers. I am pleased to hear that the minister knows his portfolio, but the lack of advisers demonstrates his arrogance in this area.

Mr PENDAL: I voted in favour of the second reading of this Bill, and I intend to maintain my support, with some possible exceptions when the House considers some interesting amendments from the member for Pilbara. Because the House is considering the short title, I will raise again a point I made in the second reading debate, which has been misunderstood by the Minister for Electoral Affairs, or has not been sufficiently considered. I canvassed the idea, which is in fact classic Labor policy, of a unicameral system in Western Australia. One of the things I found puzzling about the reaction to that idea from the government side was the way in which the Minister for Electoral Affairs in dismissing the notion, aligned himself with, for example, the Wilson Tuckeys of this world. I do not know what the minister feels, but I would feel distinctly uncomfortable about being aligned with Wilson Tuckey on almost anything. The kernel of what I want the minister to think about - if not in the context of this Bill, then some time into the future - is that the strength of that proposal, as I argued it, is that it would achieve one vote, one value in Western Australia while retaining every single country seat. This magical, too-good-to-be-true scenario could be brought about by having many more members in a single House, thus lowering the quota. In the Minister for Electoral Affairs' view, therein lay the weakness, because, as he said on Friday night on a television program in which I also participated, a Parliament in which each seat had only

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14 000 electors would then be only half a job for the members. That is where the Minister for Electoral Affairs aligns himself with the Wilson Tuckey argument; that is, federal members have 70 000 to 80 000 voters in their electorates, while state members have only 25 000, and, therefore, by extension they work only one-third as much as their federal counterparts. Politically, as well as anywhere else, nature abhors a vacuum. If each day has 24 hours, 14 000 people will fill that day, just as surely as would 75 000.

I ask the minister to consider - again not in the context of this Bill - that in the next couple of days a historic election is to be held in East Timor, for its first democratically elected national assembly. That election has been organised by the East Timorese, in cooperation with the Commonwealth of Australia and the United Nations.

East Timor has a population of 750 000 people. Its national assembly will have about 100 representatives. Each representative will represent about 14 000 voters. The most modern manifestation of a democracy anywhere in the world says that big is not better and that small is good. I had some private discussions with the member for Hillarys. He said that, on first blush, he agreed with what the Minister for Electoral Affairs said - electorates could not have a mere 14 000 voters. He has come to realise that one can have a democracy based on as large or as small an electorate as one would wish. Would not the quality of representation improve if the number of electors in each electorate were reduced? It has been said that the member for Wanneroo is in an impossible situation because she has about 40 000 electors.

I ask the Minister for Electoral Affairs to consider that he may have misunderstood the argument and that the answers he gave were essentially not answers at all.

Mr BIRNEY: I want to take the Minister for Electoral Affairs to task for trotting out rubbish about the Opposition wanting the electoral system to take landmass into account. He said that the Opposition is of the view that members should be representing landmass. He mentioned trees and other things, as opposed to people. That is not the position of the Opposition. All Western Australians, wherever they live and work, have the right to be equally and fairly represented. I highlight the comparison between the federal seat of Kalgoorlie and the state seat. The federal seat of Kalgoorlie is subject to a one vote, one value system. Even though the federal member for Kalgoorlie has two offices in his electorate, some constituents still have to drive 1 500 kilometres to see their member of Parliament. As I said during the second reading debate, one might as well have that electorate office in Adelaide. Whenever a constituent wants to see the member of Parliament, he can drive to Adelaide to see him. That it is this result of a one vote, one value system. Far from espousing that members should be representing landmass, the Opposition believes that regardless of where people live, everyone has the right to be fairly and equally represented.

In the eyes of the people of Western Australia, the Minister for Electoral Affairs has an opportunity to claw back some ground. The way this legislation has been introduced has been somewhat tricky. Nearly all members of this Chamber would agree with that. Members of the Opposition have said that publicly and members of the Government say it privately. I have had conversations with government members - although I dare not name them for fear of retribution from the mean and nasty Minister for Electoral Affairs. Some government members have told me that the Government is treading a tricky path. Why did the Government not simply amend the Electoral Act? The reason has become obvious.

The ACTING SPEAKER (Mr Andrews): The member for Kalgoorlie must address his remarks to the clause.

Mr BIRNEY: The Minister for Electoral Affairs has been tricky in the way he has introduced this legislation. He now has the opportunity to tell the people of Western Australia that the Government is not trying to pull the wool over their eyes and that the Bill is intended to transfer country seats from rural and regional Western Australia to the metropolitan area. If the Minister for Electoral Affairs is prepared to accept the amendment - considering how tricky he has been in introducing the legislation - he can claw back some ground.

Mr AINSWORTH: I was intrigued by the suggestion of the member for South Perth that a metropolitan electorate of 14 000 electors may lead to better representation. The fewer constituents a member has - provided they can easily see their member - the better the care and attention that can be given by the member. There is obvious merit in what the member for South Perth said. If that proposition were accepted by the Government, and there were to be a change in the structure of the Parliament, and each electorate were to have about 14 000 constituents, it would not make any change to the size of most country electorates. For many country members, the same situation would apply: gaining access for a constituent to his member and vice versa is difficult. I am not suggesting or complaining that country members are hard done by. Before they sought election to Parliament, all country members knew what were the physical difficulties in their electorates. Most country members have lived in their electorates for a long time and are aware of the tyranny of distance; it is a daily fact

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of life. When one lives in the country, one becomes used to driving several kilometres in the morning and afternoon to take one's children to, or pick them up from, the nearest school bus stop. When I was farming, I travelled about 140 kilometres each weekend to get to the nearest major centre so that my children could play sport or see a doctor. That sort of long-distance travel is nothing new.

Mr Graham: Doctors - luxury!

Mr AINSWORTH: Absolutely. I am only 720 kilometres from Perth! We must feel sorry for the member for Pilbara. All things are relative but, compared with him, we have comparative luxury.

The ACTING SPEAKER: The member for Roe must address his comments in the light of the amendment.

Mr AINSWORTH: The title of the Bill does not reflect what would be the effect of the Bill. The Opposition's amendment reflects the effect of the Bill. I have been reflecting on some of the other suggestions made in this place and what would happen if they were accepted.

The number of electors in country electorates is manageable, despite major shortcomings.

Mr Pental: How many electors are in the member's electorate?

Mr AINSWORTH: Close to 13 000 - but it is neither here nor there. The main constraint of having an electorate like mine is not that there are only 13 000 constituents, but that they are scattered over an area 500 kilometres long and 150 kilometres wide. Gaining physical access to my constituents is not easy. Some of the comments made by the member for South Perth are interesting and they go to show that there is far more in this legislation and its effects than can be determined by the reading of its title, which is simple and unrepresentative of the Bill's effects. The title deserves to be amended. I reiterate my support for the Opposition's amendment.

Mr PENDAL: I will speak against the amendment. I will pursue one or two points additional to those I made earlier and during the second reading debate. Again, I will argue that one of the underlying deficiencies in politics, not just in this State but around Australia and probably throughout the western world nowadays, is that most people acknowledge a sense of remoteness has grown between those who are governed and those who are governing. People express that in a variety of ways. In a way, this amendment is intended to express it in the terms outlined by the Deputy Leader of the Opposition. That sense of remoteness and detachment and the belief that members do not listen to or represent the views of the electorate is widespread in the community. Politicians are considered to be at the low end of the life chain and that comes about largely because our institutions have become too big. Anyone who has travelled in the United States and who has spoken to the constituents of both congressmen and senators would know that they find that sense of remoteness an absolute anathema to the electoral process.

In Australia, people such as Wilson Tuckey tried to make out that there was some merit to having large electorates. He rather gratuitously lectured Western Australians by saying that electorates should all be as large as his, as though that largeness was a merit in itself. My argument here, as it was in the second reading debate, is that that is no argument at all. That is what deepens the sense of distrust and remoteness between electors and their members of Parliament, whether they be in the country or in the city. I was trying to convey the point that once we have disposed of this Bill, we should consider a system that produces two results under one principle. The principle of a unicameral House would produce electorates of the same weighting around Western Australia and would return all current country members of Parliament who are about to be removed under this process. It would be a win-win situation for everyone. However, it will never be a win-win situation while we continue with the mindset that to do a decent job, somehow or other we must have big electorates and large numbers of people, as though there were some magical optimum size for electoral representation.

If the situation in this State has lined us up against that which occurs in other countries, it is obvious that there is no optimum, ideal level of representation. A congressman in the United States can represent between 200 000 and 300 000 people. Someone in the British House of Commons can represent up to 100 000 electors, while someone in the House of Representatives in Australia may represent around 75 000 people. Someone in the lower House of this place will represent about 25 000 electors, or in the case of the member for Roe, just under 13 000. Is it not interesting that his electorate would grow only marginally - by 1 000 voters - under the system I am talking about. He would have one vote, one value with a city member, but more importantly, there would still be a member for Roe in this House. It is an absolutely unassailable argument and, at the same time, the system would require the checks and balances that are said to be built into the current system with an upper House at the state and federal levels. I suggest that those upper Houses have not served us all that well over the past decade or so.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Dr GALLOP: I will comment on the statement made by the member for South Perth about the Labor Party's "passion for unicameralism". Is that what the member called it?

Mr Pandal: Something like that.

Dr GALLOP: I will correct the member for South Perth. When the Labor Party formed at the turn of the last century, it thought unicameralism was the way to go. However, it is interesting to consider what has happened in Australia since the Second World War. An important decision was made at the national level by the Labor Party to introduce proportional representation to the Senate. The minister at that time was Arthur Calwell. By the 1960s, as a result of the reform agenda developed for the Senate by Hon Lionel Murphy, who went on to become a High Court judge, the Senate became an effective part of the national Parliament. A link was developed between proportional representation and effective House of Review functions. Since then, New South Wales, Western Australia and South Australia have developed systems of proportional representation for their upper Houses. Unfortunately in our case, it is still linked to a form of malapportionment. Nevertheless, the fact that there is proportional representation is important.

The ACTING SPEAKER (Mr Andrews): Premier, will you address your remarks in the light of the amendment? Members must relate their comments to the amendment before the Chamber.

Dr GALLOP: The amendment is trying to address the question of whether to describe this Bill in terms of democracy or in terms of the impact of the legislation on particular parts of the State. The Government wants to describe it in terms of democracy, and I am illustrating the point that there can be different forms of democracy. The Labor Party in the 1970s, at both the state and national level, changed its view. It now believes in bicameralism. In fact, it advocates improvement in our upper House. This has been the result of a lot of Labor Party activity, which occurred in the Senate in the 1960s and which has flowed through to New South Wales, South Australia and Western Australia. The notion of an upper House based on proportional representation, which is a different electoral form from single member constituencies, provides a balance in our system. I correct the member for South Perth. Yes, the Labor Party started out as a unicameralist party, but it changed its view in the 1970s because it could see that the upper House, based upon proportional representation, could play a constructive role in our political system.

Mr BARRON-SULLIVAN: This amendment to the short title attempts to reflect the fact that under this legislation there will be a reduction in country representation and an increase in the number of members of Parliament in the metropolitan area. I have enormous respect for the political acumen and intellect of the member for South Perth. However, I make the point that whether it is a bicameral system or unicameral system, there can still be country vote weighting. At the moment, this Parliament has country vote weighting of 40 per cent. That can occur under a bicameral system, a Scottish-related system, or one of a number of different models. However, regardless of whether we have one, two or 24 Houses of this Parliament, we want to preserve a healthy dose of country vote weighting. This legislation seeks to reduce the current level of 40 per cent country vote weighting to 26 per cent in this Chamber. The minister has made it abundantly clear that if he had the numbers, he would go for broke in the upper House and would substantially reduce the country vote weighting in that House as well. I bring members back to what this amendment is about, which is to call a spade a spade and to give this Bill the title it deserves. I do not expect this amendment to get across the line, but I made the point that the Opposition has not chosen this title flippantly. We could have come up with a number of juicy titles. We are trying to say that other legislation briefly describes its content in the bracket component of the Bill title. We want the same thing with this legislation.

Mr TRENORDEN: I have been reading my notes and I want to change something I said earlier. The actual territory in Canada is called Nunavut. The Inuit people come from Nunavut. In discussing the intent and title of the Bill, the minister made a few brief remarks about Canada. In response, I say that under the same circumstance in Canada, the High Court twice upheld situations in which there was a variation. Ingrained in the High Court decision is the point that seats can vary by up to 25 per cent. That is one interesting fact about Canada. I have spent a little time with the Reform Party in Canada because it is an interesting group of people. The minister might remember that it was the party that came from nowhere 10 years ago to win about 80 or so -

Mr McGinty: When Kim Campbell was president.

Mr TRENORDEN: Yes. That is right. I do not want to be unfair to the Reform Party, because I have a fair bit of respect for it but, interestingly, it is a little like One Nation. It came out with populist policies such as no superannuation for members, halving members' salaries -

Mr McGinty: Get Alan Carpenter to join them.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr TRENORDEN: Yes, that is right. However, when they actually got to Parliament, they found that they had to talk about issues such as ministerial cars and offices. They said that they would not take any of those things, but in the end they took them because they could not function without them. I would never expect the Minister for Electoral Affairs to function without a ministerial office.

The CHAIRMAN (Mr Andrews): Could the Leader of the National Party address the amendment?

Mr TRENORDEN: I was just taking a bit of time to reply to the comment put to me by the minister. What the minister was saying is irrelevant. I think the minister would agree that two nations in the world that are comparable are Canada and Australia. The Reform Party basically represents the western end of Canada; the current Government represents the eastern provinces, and there is a great deal of bitterness in the process. That is represented by what the minister said earlier about the challenge to the Supreme Court, because that bitterness is spilling over and making some difference in the Canadian community.

Returning to the point about the title of the Bill, the moving of eight members and not describing the Bill correctly will cause division. It is already causing division within our community, and it will cause bitterness, whether the minister accepts that or not. The minister said a few moments ago that we do not accept the principles of the Bill, but what this Government refuses to accept is the principle of community interest, and we will be talking a great deal about community interest during this debate.

I stood here last week and supported one vote, one value, and the minister did not recognise that. All we are arguing about is the percentage of the weighting. This Government picked a particular number. The Government never asked me what my number was; and I have never told the minister what my number would be. The Canadian Supreme Court twice came up with 25 per cent weighting and this Government has come up with 10 per cent. It is reasonable to debate the fairness of the title of the Bill, because there is a fair bit of cynicism in the community about why this Government is going through this process.

Mr MARSHALL: I support the amendment, mainly because it refers to reduced representation in the regional areas of the State. As a country representative, I feel this should be spelled out clearer than it is at the moment. One vote, one value are the catchwords, but the people in the country do not agree with that system because they believe that people in the country who do not have to answer to a Caucus cannot stand on their own two feet -

Mr Dean: Yes, we do.

Mr MARSHALL: They see an average of 30 000 electors in the metropolitan area versus an average of, say, 13 000 to 15 000 in the country as a fair equation.

The member for Roe said that distance is seen as a big thing and it results in an impersonalisation in representation. I can understand a person from a metropolitan seat thinking like that. Years ago, if someone had to go to Kalgoorlie to play in a tennis tournament, he would probably back out unless it was a state hard court event or another major event. If it was a minor weekend event, he would say, "I can't be bothered travelling that far." I can recall many players saying, "How far is it, 100 miles? We will not drive to that event." Metropolitan people are inclined to think north and south of the river. If they live north, the south of the river is out of bounds; if they live south, the north of the river is a place that seems too distant. People are very territorial. I have been in the country for 10 years now and it is not uncommon to drive 150 kilometres from Mandurah to Bunbury for a social game of tennis. The member for Pilbara is smiling at me. I have travelled with him from Tom Price to Wittenoom, blowing three tyres in the process, driving on those gravel roads at incredible speeds, and as a metropolitan member I was a little nervous. He laughs at distance because he takes it in his stride. He would travel large distances to provide service to a constituent. Like a good salesman, he would travel to provide service and do the job.

People in Western Australia, whether metropolitan or country, should know exactly what will happen. To say that eight seats will be taken out of the country and thrown into the metropolitan area is a great generalisation that is being taken for granted. If people hear things often enough they start to take them for granted. We should have a title that spells out that this Act will reduce the representation for regional areas of the State. People would then think to themselves, "Hang on, are we being bulldozed into this? Is this what we really want? Are we going to get a fair go out of this legislation?" Incidentally, I do not think that country people are getting a fair go; I think they are being hoodwinked and they are being pushed into something that they do not want.

I wholeheartedly support this amendment, because the title has to be spelled out clearly to all country and regional members.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pendal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr PENDAL: I oppose the amendment, but I want to continue with some comments, especially in the light of the Premier entering the debate. What the Premier said was quite accurate and many people would not challenge his recollection of Labor history. However, it is worth looking at where the history of this issue has gone over the years. I remember once that the late Graham MacKinnon made a speech in another House that appeared to be totally at odds with one that he had made 20 years earlier, and someone got up and was able to quote to the contrary. He was quick on his feet, and later he explained to me that his rejoinder was, "Well, when was that speech made?" He was told that it was 20 years ago. He said, "I have come a long, long way since then." What he meant was that anyone who does not grow in this job is likely to be left behind.

I was not aware, for example, that the Labor Government in 1972 introduced into this Chamber a Bill for a unicameral system. That does not alter the fact that what the Premier said later came to be the case. The Labor Party saw that it would never get rid of upper Houses. That was the prompt right around Australia: if Labor could not get rid of them, at least sufficient should be done to make them a little more malleable to the political will of the day. I have no difficulty with that.

Mr McGinty: If the member had listened to my second reading speech, he would have known that I drew attention to the move in 1972 to create a single 81-member Chamber, which was advocated by Arthur Tonkin and Mal Bryce.

Mr PENDAL: Was that in your second reading speech?

Mr McGinty: Yes.

Mr PENDAL: I was probably so riveted by the arguments elsewhere in the speech made by the Minister for Electoral Affairs that I was gobsmacked enough to overlook that point.

In 1972, the then Attorney General, Tom Evans, the member for Kalgoorlie, and later Arthur Tonkin, were proud of the fact that this Bill was being introduced on the fifty-first anniversary of the Queensland Parliament's getting rid of its bicameral system and replacing it with a unicameral system. However, nothing that the Premier said, which was valid and historically accurate, alters the fact that a unicameral system would produce two immediate results. First, we would have a true one vote, one value system.

Dr Gallop: That is not true.

Mr PENDAL: Yes, it is. It would be true if the commissioners were given the authority to divide the State into 85 electoral districts of equal size.

Dr Gallop: Parliament would have to do that.

Mr PENDAL: Parliament would not set the boundaries, but it would make the law.

Dr Gallop: There is not necessarily a link between unicameralism and the one vote, one value system.

Mr PENDAL: No, but there would be under my system if a Bill were introduced that proposed something along the lines of what Mr Evans did in 1972, and if it were called the Legislature of Western Australia Bill.

The first result of a unicameral system would be to abolish the two Chambers and constitute them as one. What the Premier said by way of interjection was valid. The second part of the Bill, which would have to fit in with what I have said during this debate, would be that there should be a Legislature of 85 people and that each of the 85 constituencies should be equal in electoral size, as near as possible. Where is the radicalism in that proposal? A unicameral Parliament would achieve two things: one vote, one value, if we said so by a particular clause; and the retention of representation in country areas of Western Australia in a purer form than is envisaged in this Bill. Even the Government has acknowledged that it must give some weighting to the far distant places in Western Australia. I repeat that it should be the genesis of what we do next in this Parliament.

Mr WALDRON: I support this amendment to the title of the Bill. The current title does not inform people well enough exactly what this Bill does, whereas the proposed amended title would. Last week I talked about metropolitan friends of mine who knew little about the Bill and what it meant. People who have heard about the Electoral Amendment Bill do not know what it is about. The Bill will not affect some people in the metropolitan area, therefore, they take no notice of it. When I spoke to friends of mine and told them what the Bill meant, a number of them then understood what it was about.

The same situation exists in rural Western Australia. This week I spoke to rural people about this matter and discovered that some of them do not understand what it really means. More people would be aware of what the

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Bill does for their representation if it had this new title. Some people have told me not to worry about it because the Bill will not pass. However, those people do not understand how the legislation will affect them and they do not understand some of the reasons for and against this Bill that have been given in this House. I support the amendment.

It is fair that the people should understand what the Bill is about, and this simple, amended title would tell them that. People would then be able to understand the Bill and know what it means to them. There is an old adage that a book cannot be judged by its cover. That statement rings true in this case. I support the amendment.

Amendment put and negatived.

Referral to Community Development and Justice Standing Committee

Mr TRENORDEN: I move -

That the Bill be referred to the Community Development and Justice Standing Committee.

The purpose of this motion is to make the point that this Bill is one of the most substantial changes to the electoral laws in many years. This motion is one of the most important motions for the country regions and certainly for the National Party that I can remember in decades - I have been here for 16 years.

I will explain why I made those points. The National Party argues for fair representation for all electorates. The argument in favour of this Bill is pitched purely on the argument of numbers. Some comment has been made that other nations do things differently. The minister is regularly incorrect when he says on public radio that no-one else in the world has our type of system. The truth is that everyone in the world has our type of system. The difference is the amount of variation that is given to some votes.

As I said to the minister earlier, I am a believer in one vote, one value. That system is the foundation on which any electoral system is built. However, we then introduce the disabilities that many other countries have introduced. For example, as I said earlier, the Canadian Supreme Court established about a 25 per cent differentiation in the vote. It also made a determination that consideration must be given to community of interest or community of identity in a historical pattern of electoral districts, and manageable geographic sites for districts and sparsely populated rural or northern regions. There is good reason for that. As history shows, the populations of Canada and Alaska flowed over their boundaries. They are matters that we do not have to consider. However, the history of how those things occurred is important.

Some consideration should be given to the history of the Australian federation. Back in 1900, the t'othersiders were instrumental in the debate about whether the referendum would be carried that included Western Australia in the Australian federation. Members know that the Australian Constitution mentions New Zealand, but it does not mention Western Australia. Previously in Western Australia there has been considerable hot debate about representation in this State. I refer members to that event of 1900 and to the referendum of 1930 or 1933, which went quietly to the United Kingdom and got buried in the back rooms of Westminster. It is a good thing that those events occurred. However, one cannot ignore the history of Western Australia in this process. I do not want to disfranchise anyone in this process. I do not want a process that will disfranchise my group of people. No account is taken in the Government's Bill of history or of those things that have occurred before today's date. The Government's Bill takes in numbers, and that is it.

The National Party is looking for a Bill that will fairly represent people. That principle is spoken of strongly, in not only Australia but also the United Kingdom. In the debate between Tony Blair and John Major, for example, some four or five years ago - whenever it was - fairness was mentioned a great deal. In that case, the Labour Prime Minister, Tony Blair, supported a weighted voting system, and the Conservative Party, through Major, did not want to have that system. That was an interesting set of circumstances. We must have a principle that makes this Bill inclusive. The way to do that is to involve everyone. That cannot be done by the Government of the day bringing in a Bill and saying, "Here it is", doing a deal with the Greens (WA) and going across the top of everyone else. I agree with the Government's fundamental argument that this is the House in which to debate matters. However, we had the debate last week; we have gone through that. I will talk about the consideration in detail process in a few moments.

I am concerned about the capacity of country people to have adequate representation. They should not be disadvantaged. At the moment country people elect members who represent 30 per cent of the seats of this House. The minister loves to use the great debate -

Mr McGinty: I think it is 40 per cent now, actually - not 30 per cent.

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Mr TRENORDEN: I was just going to bring up the minister's favourite debate, with which I agree, about Mandurah. As far as I am concerned, in every way, shape and form, Mandurah is part of the metropolitan area. That will be the subject of an upcoming amendment. I inherited a house in Mandurah. My mother lived there for many years. She passed away and left me the house. Therefore, I spend a lot of time in Mandurah. However, I would not argue in any way that Mandurah constitutes rural Western Australia, nor would I argue that it has a right to a different weighting system. Therefore, the minister will see, as the day goes by, that we have suggested in our amendments that Mandurah should be a part of -

Mr McGinty: Why don't you take it down to Bunbury as well?

Mr TRENORDEN: I would, but the minister has not asked me about that. In my view, it would include Bunbury, Albany, Geraldton and Kalgoorlie. The minister keeps throwing back to the National Party the statement signed by the member for Merredin when he was the Leader of the National Party. That is what that document said.

Mr McGinty: I know.

Mr TRENORDEN: We accept that today. We have not changed our position. When those debates were going on, there was some minor behind-the-Chair discussion between the Labor Party and the then Government on that issue, and the Government at that time argued for a 20 per cent variation, whereas the Labor Party argued for 15 per cent. Now the Labor Party is arguing for 10 per cent. We would be in a different mood in this place if we were talking about the matters to which the minister referred at the end of the debate last week, such as making sure country seats do not get loaded up inappropriately. Frankly, I was appreciative of the fact that the minister was prepared to say that that was not an aim of the Government's Bill. However, I think the minister understands that irrespective of the numbers - we might argue about the numbers - the consequence of the Bill is just that. When we deal with this Bill a little later, the National Party wants to argue about carrying out redistributions on a four-yearly basis so that we are never further away from a redistribution than two years. Therefore, we will not be required to have the ridiculous argument about Wanneroo. I must admit that I was surprised to see Wanneroo had 39 000 people. Nevertheless, that is a ridiculous argument, as is the argument about Burrup. I was involved in the debate when the National Party went to the commissioners some eight years ago. We said that the expectation for Burrup was too high. I think even the Labor Party said that. However, it still proceeded on the basis of the expectation that the gas and oil industries would grow; therefore, Karratha would be a big city. However, that did not occur. Therefore, there was an anomaly in the system compared with Wanneroo, which we all know will grow, as will Mitchell and other seats. I have no argument about that; that does not concern me. I do not think the member for Wanneroo should represent close to 40 000 people. However, if we say to the commissioners that we can extend it to eight years - the Canadians extended it to 10 years - we will have this guessing game all the time. If that is of concern to the minister, why should we go through the guessing game?

However, I digress. The minister asked me a question, and I want to make a point. Before this debate, the minister had not asked me what the position is. In this game that is going on now, it is the Government's might, plus the Greens, and the rest of us do not matter.

Mr McGinty: Not necessarily.

Mr TRENORDEN: At this stage that is the case. Maybe we can talk to the Government after this process in this place. Nevertheless, the concerns I am raising with the minister are genuine. I think he accepts that.

Mr McGinty: Absolutely. I am a country boy at heart.

Mr TRENORDEN: Also a bleeding heart, I would say. The Bill is before the Chamber. We have reached the consideration in detail stage. Had I been quick enough, I would have preferred to move this motion before the previous debate took place - but I did not get the nod - because the debate about the Bill being referred to a committee should have taken place before any debate in the consideration in detail stage. However, getting the nod is an important part in this process. I am not picking on anyone; that is just the way it works.

We are all aware that in this place there are no members of the Greens (WA) or One Nation - they are represented in the other place - but the National Party, the Liberal Party, the Labor Party and liberals for forests are represented here. I think liberals for forests is now a recognised political party, is it not, minister?

Mr McGinty: I think it is now.

Mr TRENORDEN: However, when the election occurred, it was not a recognised political party. Therefore, the member for Alfred Cove sits here as an Independent - in reality, she represents a fourth political party.

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Mr McGinty: Yes.

Mr TRENORDEN: Therefore, that diverse group of people has a view on the electoral system. Some may share the Government's view. Other people who tried to enter this or the other Chamber were not successful. I must admit that during the election campaign the people who impressed me the most with their efforts to be elected were those from the Curtin Labor Alliance. They worked extremely hard in my electorate for virtually no vote. They may have got one per cent. However, that does not deny the fact that they went into the electorate, worked hard and wanted to be elected to this place. They tried very hard to convince people to vote for them. I would never pick on the minister enough to say that he does not think their views should be considered. They should be considered. However, at the moment four political parties in this Chamber are considering this Bill. The rest do not get a say. Others will have a say when it gets to the other place. However, a range of people outside this place would like to have a say on this issue. I will get to that in a minute.

What I said half an hour ago is true. The people to whom I spoke at the Dowerin Field Day today are concerned about the diminution of their vote. They are concerned that their vote in Western Australia is going south. The minister might not agree with their point of view, but he would have to concede that it is a genuine concern. His Bill ignores the concept of communities of interest. That position is somewhat dubious, because I think the minister loves being a member for Fremantle.

Mr McGinty: Absolutely.

Mr TRENORDEN: That is an example of a community of interest. I value some aspects of Fremantle, and I stay there when I am in Perth. I do not live there, but it is my second residence. When I leave tonight, I will go to North Fremantle. It is a great part of Western Australia, and by far one of the better suburbs. I would be the last to say that Fremantle and its surrounding areas should not have a specific member. However, the minister is suggesting that the Avon Valley should be included with Narrogin and that Geraldton should be included with Moora. He does not accept any part of the community of interest concept. Although I do not have the capacity to prove it, the vast majority of people would disagree with the minister.

I make the point, which he might accept, that after the conservative Governments in Tasmania and Victoria amalgamated local governments, they were kicked out on their ears because of the community of interest concept. Why would local people volunteer at the Wyalkatchem school or hospital if their local government were taken away? The area would have lost its identity. Those issues hit very heavily in Tasmania and Victoria. The minister and I both know that Kennett did not lose government in Melbourne; he lost it in the country, where people thought he had devalued their involvement in the electoral process. He obviously did not do that through an electoral Bill, but he instigated a process by which they were devalued. Country people were very bitter about it, and they are still bitter. The member for Ballajura and I - the member for Perth did not turn up - went to Bendigo for a community banking conference, which a considerable number of Victorians attended. That issue is as hot now as it was then.

Mr Graham: Travel?

Mr TRENORDEN: Yes, I travelled. I used my imprest account. I asked for the Premier's permission, and he said it was okay.

Community of interest is a fundamental issue. It is something about which I am passionate. I have lived in country areas all my life. I love Northam.

The minister might say my next point is irrelevant to the debate, but it is not. Two prominent people died in Northam last week. One was Aboriginal and the other was a Caucasian person, or a wetjala. Both had strong roots in the community. The Aboriginal person, Alan Slater, obviously had very long roots, but Mrs Morris's roots also went back as many decades as one could imagine, as did the ancestral line of her husband. The community turned out en masse for both funerals. Unfortunately, I could not make it to the funeral of Alan Slater, who was a much loved and respected member of the community. Both funerals deserved the representation of the local community, and people turned out to respect Mrs Morris and Mr Slater. They did that because those two people had participated in and were loved by the community. That is why I am passionate about community of interest. However, if it is spread too far, it comes unglued. That is the problem. The diversity of the views in those areas is great. I have great problems with the concept of the heartlands tourism region. The Minister for Tourism is in the Chamber; I will stick into that as well. The heartlands region includes the coast - which, with features such as the Pinnacles, is a very vibrant, active area for tourism - and the Avon Valley. Places like Toodyay, York and Northam are attractions in their own right, but they are lumped with a completely different attraction. Although the coast is not quite as good as Northam - where I live - it is certainly

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magnificent. Yet, the heartlands tourist group has been given the responsibility of trying to sell both. It does not work because of communities of interest. I am passionate about this issue, and I could say a great deal on it, but I will move on.

The diversity and economic bases of those areas are also important. This argument is not that all the money comes from the country - which it does - but that each area does different things to secure its own economic base. The people of those areas want those bases recognised. The Avon Industrial Park is in my electorate. I hope the Minister for State Development is seriously considering contributing \$550 000 to it. It has taken us 10 hard years to get the industrial park up and running. Ian Taylor started the process. The project goes back well beyond the Court years and through a range of ministers. An organisation of 10 shires and the distinct community of Avon have been battling for extra economic activity. Most in this Chamber will now know that when it does not rain in the wheatbelt, the main economic base is lost. We have been working hard to create a secondary, highly important commercial industrial base so that we have a second economy. I, the member for Avon, have fought for it because it is within my area. The member for Merredin, whose electorate covers shires that are part of that organisation, and the member for Moore have also fought for it. In the future, only one member, rather than three, will be able to do that.

This change will result in large country electorates and, importantly, the breakdown of continuity of economic and community effort. That is what makes people feel devalued. The minister's argument that technology will resolve those issues is not true. A special tower is being erected today in Dowerin so that people can use mobile phones. Technology will not come to the rescue of country people. If this Bill is carried, there will be much less emphasis on people in the country areas. Therefore, I suggest the standing committee be put to use. The Community Development and Justice Standing Committee is the appropriate committee to consider this Bill. It is chaired by a government member, and two other government members are also part of it. The Government will not lose control of the Bill. Late last year, both sides of this House agreed to a process of major change in the committee system. They formed a select committee, which went around the world and looked at the standing orders of different Houses of Parliament. I was on that committee, which is why I know a little about this Bill. The standing orders committee then substantially changed the standing orders of this House. I approved of those changes. To everyone's credit, the Leader of the Opposition, when he was Leader of the House, moved that the Assembly agree to those changes. They were developed over a number of years.

Mr Graham: Five.

Mr TRENORDEN: The changes were developed over time. The minister's side of Parliament agreed that the committee process in this House should be boosted. Since Labor has been in government, the House has resourced those committees. I have not been to the building yet, but I am sorry that I am no longer serving on committees. I am an absolute fan of committees, and even the minister would concede that I was fair to him once when I was the Chairman of the Public Accounts Committee. I am not involved in the committee process, but at some stage I will look at that building. It is important that, once the House makes these decisions, those committees are resourced so that they can take on issues like this. This committee has been resourced, and the Government has also introduced a Bill - I am not sure whether it has gone through the upper House but it has certainly gone through this place - which provides that the chairman and members of committees will be recognised in the salary and allowance process. I assume that the minister has done that to give the committee system some weight and prominence, so government members can take an outstanding role in chairing these committees and doing the right thing by not only this Chamber, but also the people of Western Australia by taking these procedures through the very important committee process. I make the point once again that the minister controls the numbers on these committees. I do not think that that is important, because these committees are working well, but he does control the numbers. Why then is there a rush to shove this Bill through the House? I want to know why I cannot be at the Dowerin Field Day; I am still pretty snotty about that. Nevertheless, according to the minister, this Bill must go through this House this week, and one must ask why. Even if one argues about passing it by 11 February 2002, this Bill still does not have to be passed through this House this week or next week.

Mr Graham: Unless we are going to have an early election in three years.

Mr TRENORDEN: I am sure the minister is working towards that and that is absolutely correct. However, there is no logic for racing this Bill through the House unless the minister is concerned that country people will wake up to what is happening here and get angrier and angrier as the days go by. I cannot see any other reason that the minister would want to push it through.

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Two days ago it was mentioned in the newspaper that three different interest groups want to talk to the minister and all the members in both Chambers about this Bill. One group was local government, which has concerns. Will this Bill lead to equal wards or no wards in local government? Will that process happen; and, if so, why not have a committee consider that process and listen to that debate? Logically, once the Bill is passed, the other processes in local government must follow through. Will councils be of equal size? We have situations like those which exist in North Fremantle, Mosman Park, Cuballing and Wandering. The Northam Regional Hospital put more voters into my seat than the town of Wandering when I represented that area, yet it has a local government group. Will the minister say that the town of Wandering, with 200 people entitled to vote, will go? Will that be a part of the process? The minister would be aware of how the grants system works, when a certain proportion of grants is based on population, but the bulk is based on disadvantages, as this Bill should be. For example, the bulk of the grants are based on issues such as whether there is a certain number of roads, ports, unemployed people or unsealed roads. A whole range of disadvantages are considered when local government funding is allocated. As the minister is aware, local government is the responsibility of this State through this Parliament, so will the minister give that process consideration? Will local government areas be the same size? There are areas around Geraldton where councils cover enormous areas in which few people live. Therefore, we come back to community interest and issues like hospitals. In the last few days representatives of Wyalkatchem and Pingelly community hospitals have come to me in a panic because they are concerned that the hospitals will be closed. They are very concerned that they will not be in a position to deliver services in the short term. The Minister for Health can laugh, but there are people out there convinced -

Mr Kucera: Who is laughing, member for Avon? Nobody is laughing, but please do not speculate; it is too early.

Mr TRENORDEN: Having been here for a little while, I suspect that the Minister for Health's game is to get the federal election out of the way and then bring in the bad news. I suggest that that is what we are facing and I am very concerned that that will be the Minister for Health's game.

Point of Order

Mr KOBELKE: I ask you, Madam Deputy Speaker, to consider the relevance of this debate. The Leader of the National Party has now been speaking for some considerable time. It is a procedural matter to refer the electoral reform legislation to a committee, and he is now embarking on a debate on health funding, which has no bearing whatsoever on the matter before the chair.

The DEPUTY SPEAKER: I am sure the Leader of the National Party is going to continue his debate on the motion.

Debate Resumed

Mr TRENORDEN: I have only about four or five pages left.

Mr McGinty: But you have only done two or three of them.

Mr TRENORDEN: That is right. This is an important issue. One can scoff and say that hospitals are not relevant, but they are relevant, because if one does not have the political power to keep them open, how does one keep them open? It is a fundamental issue.

The second group referred to in *The West Australian* as being concerned about this Bill comprised the members of the Western Australian Farmers Federation. Why should they not have the capacity or the right to come before a select committee and debate the issues they wish to debate? Why should local government not have the right to put in a submission, argue it and have it heard? If the minister wishes to know what the concern is, it is that currently, yet again, the community is not being heard. The second talking point in Dowerin is rain. The forecast is for rain tonight and let us hope that it does rain, because that area desperately needs further rain.

Mr Graham: Weather is a federal issue.

Mr TRENORDEN: I had better get off weather if it is a federal issue. However, the point is that that community is concerned that the issues that relate to it are not getting an adequate hearing. Even though that community has a fair regard for the Minister for Agriculture, it believes that he is not getting the issues through Cabinet. That is what is being spoken about in that community. Why should it not have the capacity to express its concern about the drop in employee numbers in country towns? A few weeks ago a businessman from Mukinbudin told me that his company's extended group, which covers an area greater than Mukinbudin, had put

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off 15 people. The community is concerned that this place is not doing enough about that issue. Why should those people not have the capacity to argue the differences this Bill will make to the whole fabric of Western Australia.

Mr McRae: As a matter of interest, what are you suggesting the State Government should do for those farmers at Mukinbudin?

Mr TRENORDEN: There are a number of suggestions. For example, we could bring forward the capital works program. We could infill roads, and there was an example of that in the mid west last year in which community members were involved in the building of a road. A range of capital issues could be brought forward and people could be employed on them. The member would not argue that that was not a bad idea. However, those groups want the state minister to make representations to the federal Government about funds being put into businesses on a work-for-the-dole type of arrangement so people are not put off. I think the member would agree that these are fundamental issues. One issue that the Government will have to deal with very soon is freight rates. Grain freight rates are worked out on the basis of tonnage. Two years ago the State grew 12 million tonnes of grain; this year we are talking about 8 million tonnes of grain. If the total expenditure were divided by the number of tonnes, the freight rate would have to increase. The previous Government provided \$10 million so that remote communities would not have to pay that bill. The present Government will have to make a similar decision, which will result from the members with an interest in agricultural activities successfully lobbying the minister. Apart from the Minister for Agriculture, there are no such members on the government side. The members for Geraldton and Albany, representing port cities through which wheat is exported, may have cause to argue the case of the farmers, but no other Labor Party members of Parliament will be interested in carrying that debate.

The third group mentioned as having an interest in the effects of this legislation is the Pastoralists and Graziers Association, which has great concerns about the closure of the Midland saleyards. Currently, four seats are directly involved in the process of relocating those yards, and another three seats have an interest. Members for those seats are being lobbied constantly about the outcome of the relocation of the saleyards. Why should the PGA not be able to come into this place and argue its case on the importance of the Bill to the livelihoods of its members, to its economic base, and to the fabric of rural Western Australia? Bad news is constantly coming out about roads. One of the nice things about attending the Dowerin Field Days is the Avon tent. Most members opposite will not be attending the Dowerin Field Days, but if they did they should go to the Avon tent. It is a magnificent display of the area's activities. The first person I encountered in the tent was a delightful lady from Toodyay, who had fought me tooth and nail on the issue of roads in the period leading up to the election. She was right in her argument, and so was I, because a person's viewpoint depends on where his or her deckchair is located on the *Titanic*. The Government will make serious decisions affecting country roads, and the only Labor Party member with a close interest is the Minister for Agriculture. No other government member represents that area. The PGA is greatly concerned about what is happening in rural Western Australia, and therefore should have a chance to comment on this legislation.

Why should academics not have an opportunity to comment on this legislation as well?

Mr McGinty: They have been doing that for 100 years.

Mr TRENORDEN: I do not want to give them 100 years of debate. One week would do. Why should the academics not have the opportunity to comment?

Mr McGinty: You would lose the member for Pilbara with that argument.

Mr TRENORDEN: I know where the member for Pilbara comes from, and I can see what he is doing right now. The two academics who are closely associated with this House have slightly different views about the electoral system. The minister would have listened to both of them, as I have. One strongly supports the view of the Government, the other only partly supports it. During the whole period of the Commission on Government, considerable debate took place on this issue. The minister attended some of the meetings, at which hundreds of people debated the issue. Why should those people not now have their say? The committee members should examine the Commission on Government report, and then report back to this House. The Government's Bill does not follow the recommendations of the Commission on Government, and this House should have a view about that. I would back any five members of this House to go into a committee room, think seriously and openly about those considerations and come back and report to this House. Committees have worked well and done good work for this Chamber, so why not allow them to do that again?

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A short time ago the House was debating the new Governments that are being created. The member for South Perth raised the example of East Timor. All members of this House are fascinated by what is occurring there, and all would be grateful that no bloodshed has occurred during the election campaign there.

Mr McGinty: So far.

Mr TRENORDEN: Today is the end of "so far", because the election is to be held tomorrow. What is occurring there is fantastic. East Timor has come a long way in a very short period, thanks to Australian input. Apart from East Timor, other new Parliaments include Scotland, Wales, and Nunavut, in Canada. The committee could spend a short time examining these brand new Parliaments. The standing committee of this House did a good job in looking at the standing orders. Committees have a history of doing good work, so this Bill could be referred to a committee.

The House will spend three days debating the amendments on the Notice Paper. If my motion were accepted, the amendments would not be necessary. The work would be done by the committee. A report would be brought back to the House, and debated. That is a far more efficient and sensible process than the one that is proposed, by which each of these amendments will involve input from four political parties and two Independents. If the Bill is referred to a committee, it will involve anyone in Western Australia who wishes to make a submission. That is a very important consideration. The minister is quoted in the newspaper today as saying that some of the amendments proposed by the member for Pilbara are sensible, which is a big surprise. My antenna pinged at that, because the practice of redistributing every eight years is nonsense. The Bill talks about very finite matters, until it reaches the subject of redistribution. At that point, under the Bill, three learned gentlemen must go out, using a bible which the minister agrees is flawed. They will not even be using the census that was conducted a few weeks ago. They will be using the census material from the previous census.

Mr McGinty: They will be using a whole variety of facts and figures that illustrate demographic trends.

Mr TRENORDEN: I will not argue with that; maybe they will. However, the minister will have to concede that the information is not 100 per cent accurate. The minister's own argument admits that. The minister should ask the Deputy Speaker whether that information is accurate. It is not, is it? Toodyay is not growing anywhere near as fast as Wanneroo but it believes it is about 1 000 people out. Lord knows how far they are out with the seat of Wanneroo. Because the information is historical and takes time to gather, it must be antiquated. It has to be.

The committee could look at the measures being proposed. Why should the Government not move to a four-year distribution? Under the amendments proposed by the National Party, the next election would be only two years away from the end of the distribution. The issue that the Government has to live through would no longer apply. In addition, the Chief Justice and others would not have to be asked to go through the lunacy of comparing various seats with that of the electorate of Eyre. A worse comparison would be with the electorate of Burrup.

All the motions on the Notice Paper could be considered by the committee. The committee would have a broader consideration than can be given by this Chamber. This Chamber will take the vested interests of the Government, the Liberal Party, the liberals for forests and the Independents.

Mr McRae: Is liberals for forests a party?

Mr TRENORDEN: The party has now been recognised.

Mr McRae: Not at both the federal and state levels.

Mr TRENORDEN: Nevertheless, we all know why the member for Alfred Cove is here. I am not trying to be funny about it. She ran in the election and won the seat. She won on Labor preferences; I am not arguing about that. She has made it clear that she represents the interests of those who voted for her.

The minister has a choice about the issues that this House has debated for four years. This House has debated amending the processes of this House, accountability and having an open process. How many times have those words been said? We have all heard about having an open process that the Government controls.

For the benefit of new members, the point of referring this Bill to a committee is to do away with the process that we will go through for the next three days. The Chamber will go through the legislation, line by line. A committee process would do it far more effectively. Five members of this Chamber would be required to sit on the committee but the remaining members could get on with the business of the House. Why should the process be stalled? We have all worked hard on establishing a committee process. Why should this legislation not be handed over to a committee? That is the point in establishing the committee system. Total silence. I commend the motion to the House.

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Mr McGINTY: At times during the speech by the Leader of the National Party I thought there was a possibility of this matter proceeding by way of agreement. I was heartened by that thought. My understanding of the Leader of the National Party's position is that the time for vote weighting in country cities such as Bunbury, Albany, Mandurah, Kalgoorlie and Geraldton has come to an end and there is no justification for treating those cities any differently from the metropolitan area. The comments are a significant step forward in this debate.

Mr Trenorden: It is not something new.

Mr McGINTY: I am not suggesting it is. Let me develop my argument. If one accepts that those country cities are much the same as Perth in the way in which they should be treated, and one looks at the amendments on the Notice Paper, I am not sure whether the National Party would vote for this legislation, even if all its amendments were carried, or whether it requires its amendments to be carried before it will support the legislation. I am not making a cute point. If all the National Party's amendments were successful, it would result in adding Mandurah to the metropolitan area as well as Rottneest Island, which is part of my electorate of Fremantle.

Mr Barnett: It should be part of mine.

Mr McGINTY: It is looked after very well where it is at the moment, thank you. It is great to service the electors of that far-flung island. Other members do not have to travel by boat to represent their constituents. Maybe I should have some vote weighting for that!

The National Party says that Mandurah is a clear-cut case for being part of the metropolitan area for electoral purposes, if not for other legal purposes. If its amendments were successful, there would be no purpose in dividing the metropolitan area from the country. One could then allow a 10 per cent tolerance, plus or minus 10 per cent for the city, plus or minus 20 per cent for most of the country and plus or minus 25 per cent for an electorate that is larger than 200 000 square kilometres. Will the National Party accept one quota for the entire State and then allow variances, depending upon the regions involved? If that is the case, it is a matter that can be discussed productively. If the National Party is proposing amendments but intends to vote against the legislation, even if all its amendments are carried, we will have real difficulty.

That is what I hope will emerge from this process in the Parliament. Last week I indicated to the former Leader of the National Party, the member for Merredin, that I would look at an amendment to ensure that the wheatbelt electorates were not pitched at the upper end of the tolerance of scale because of their static or declining populations. I would happily look at an amendment that would pitch them at, or beneath, the quota, in recognition of their historical position.

I have not gleaned it from the debate, but listening to what the member said in respect of the country cities and what the amendments would affect, and, if it is a position that we can move to in the reform of the electoral system, it is significant. I am not suggesting that it is a change in the position of the National Party, but it is significant in looking at our differences and our similarities. If the argument about the country cities is dead - the member for Kalgoorlie may differ but the members for Albany, Bunbury, Mandurah and Geraldton will not argue - it may well be that there are areas of greater potential for agreement than was initially thought from the conduct of the debate last week. I am keen to see what that might mean for the future of this legislation. Unfortunately, the National Party has only one member in the upper House, so it is not a crucial vote in determining the outcome of this legislation or giving a majority or constitutional majority to this legislation. Nonetheless, it would considerably add to the general view of the legitimacy of this legislation if more groups within the Parliament supported it than perhaps has been indicated. I would certainly be interested in exploring that a little further with the Leader of the National Party.

Mr Graham: We are not in the consideration in detail stage. A motion is before the House, so we do not have multiple opportunities to speak on this matter. Can you advise whether you will support the motion to refer this Bill to the committee, because that is what we are currently debating?

Mr McGINTY: No, I will oppose the motion, because it reflects a fairly cynical view which is at odds with what I have just been saying about what has been involved in this debate. We had a truncated debate last week about referring this matter to a referendum, and members now want to refer it to a committee. If I believed there was agreement or that there was a broad understanding that an agreement could be arrived at, I would want to explore any real prospect of agreement. However, I am not interested in referring this legislation to a committee so that the same debate can take place and the same polarised positions can be adopted by the various members of the committee. That is why I threw the question to the Leader of the National Party. It seems to make some progress if it is accepted as a starting point that there is no justification for vote weighting in favour of country cities. If the scheme outlined in the amendments by the Leader of the National Party is the composite position, it

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could be worthwhile pursuing. There will be opportunities at the adjournment of the debate, whether for meal breaks or at the end of the day, to pursue those matters if people want to go into detail. I meant what I said at the close of the second reading debate last Thursday: if it is possible to reach an agreement that will accommodate different points of view and ameliorate the effects of some parts of this legislation in particular areas of interest, I want to pursue them. I would much rather be able to stand up and say that this is something people have made concessions on and with which they can live, rather than say that this is a view supported by some sides of politics and is diametrically opposed by other sides of politics. I hold out that invitation.

Just by way of historical reference, the member for Avon spoke about the referendum in the 1930s to allow Western Australia to secede from the Commonwealth. One of the leading figures in that debate, and who perhaps was not accorded great historical recognition, was the grandfather of the current president of the Western Australian National Party. Ric Beatty's grandfather travelled the length and breadth of this State, standing on the stump and arguing the case for secession. In many ways, he led the debate for secession at a grassroots level in Western Australia. Ric Beatty is perhaps continuing a great tradition in his role as president of the Western Australian National Party.

Mr Trenorden: It was a very passionate time. At the turn of the century, Kalgoorlie voted overwhelmingly for joining the Federation and then voted against it in 1933. We are talking about passionate matters. I do not think that the history I raised was immaterial.

Mr McGINTY: No, I did not mean that in any belittling sense. As I recollect, Ric Beatty's grandfather was based in Kalgoorlie and he picked up on what it was to be a Kalgoorlie person when he led so much of the public debate on the secession movement at that time.

I will not prolong this debate, having indicated the position of the Government about the reference to the committee. However, the final point I want to make is that the question of community of interest is crucial. I do not disagree with the sentiments expressed here today. It is interesting to consider the Kimberley region of the State and the view put by the member for Kimberley in her local media. A group of country Labor members travelled to the Kimberley last week and reported that the reaction to the issue of one vote, one value is that people in the Kimberley will be pleased for the Kimberley to be reunited - the member for Pilbara should note that I used the term "reunited" - with all four Kimberley shires going back together, on the basis of community interest. Some of the indicative work that has been done by the Electoral Commission on what the new system might look like - I would not rate it any higher than that - places great emphasis on the idea of community of interest, as often reflected through local government boundaries. We do not seek to diminish the importance of community of interest in this matter.

Mr Trenorden: Did you take any note that one of the amendments I will move concerns the issue of community of interest?

Mr McGINTY: Yes; that would be a significant factor. I understand that amendment to be picking up, in a broad sense, the point raised by the member for Merredin last week. We should get on with this debate; it can take place here. I am extending an invitation to the National and Liberal Parties: now that the second reading debate has been completed, if we can accommodate any areas to make this Bill more acceptable, I am happy to engage in that. If people want to take diametrically opposed stands on this issue, let us get on with the debate.

Mr GRAHAM: I am disappointed by the response by the Minister for Electoral Affairs, because in all the rhetoric about this legislation, he raised the point that it is historic and important legislation. In my view, once we have made this change, we will not go back to the system we had before; it will not happen.

Mr McGinty: It has not happened anywhere else.

Mr GRAHAM: No, it will not happen. Once fundamental changes are made to a system, we are stuck with them and we must work our way around them. I could go through all the rhetoric about mandates and whether it was an election issue and all those matters, but I will not go down that road in this debate. However, I am disappointed that the minister has not seen fit to agree to refer it to the committee. Last week when we debated the need for a referendum or otherwise, I voted against a referendum, but I will support this matter being referred to the committee. I ask the minister not to take this personally, but he has a view on this matter. I am not having a go at him, but I know him and his belief in one vote, one value. His view is tainted by his history, his personal belief, his involvement in a High Court case and his 30-something years in the Labor Party. His view taints his perception. I am not having a go at the member, but he has said to those who do not agree with his Bill that if there is a basis for agreement and some goodwill, we can negotiate and move forward. What that means is that

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those people who have a different point of view can meet with him behind the Chair to reach an agreement. The effect of that is that he will see whether he can sell it to the Greens (WA), because it is the key to this debate. I was not privy to his discussion with the Greens and I do not know what he is prepared to trade off in my area of the State to get the Greens' support for electoral reform. The minister will not tell me and neither will they. I have great difficulty with that process. Most of my adult life I have had to listen to people who always wanted to negotiate on my behalf but have never been prepared to let me in the room when the negotiations are going on. I guess that is one of the reasons I find myself sitting where I am.

Mr McGinty: That is true, historically, yes.

Mr GRAHAM: I have never been prepared to accept that. I have difficulty with how this Parliament, given the changes that it has made over the past decade, will deal with this, other than to debate a plethora of amendments, and this Government will win every vote regardless of the merit because it has the numbers. No-one - I stress "no-one" - other than the minister will have a major input into this debate. The minister did not go to Caucus with amendments; the minister has not gone to Caucus with a reference for a committee; the minister has just made a decision sitting at the Table.

Mr McGinty: I had not seen them until today.

Mr GRAHAM: I accept that; I am not being critical. I am saying that that is the system we are in: basically it is the view of the Minister for Electoral Affairs. He is dictating to his colleagues and his political party and, by definition, the remainder of the Parliament.

We introduced the committee system to overcome those difficulties. The minister could validly say to me that this piece of legislation will go to the upper House and the Greens (WA) will argue that it should be referred to a legislation committee in the other place, and that the Australian Labor Party will probably support that. I do not know whether the minister has made a decision, but if I were leading the Greens in negotiations, I would not be too concerned that my motion to refer this matter to a committee in the upper House would not get up. That is the indication. The Greens' express desire in moving that this matter be referred to a committee is not, as I would have hoped, to allow the public to have input into the legislation. The public has not been able to interfere in this legislation. It has not been available to the public for comment or input or any meaningful contribution. If that were the Greens' express desire, I probably could not put what I am arguing, but the desire of the Greens is to bring the political parties around the table to negotiate the best outcome for the political parties. I am not anti political parties, but there is a wider constituency than simply the interests of the major political parties. At no stage, under the process initiated by the minister, will the public be able to provide input to the legislation. There has been a bit of talkback radio, some of the Government's country members have put out some material, there has been some public rhetoric by the minister, but at no stage has any member of the public been able to make any input into the legislation. No member of the public who will be directly influenced by this legislation knows what is happening, because we have moved amendments today. Members are still avidly writing amendments.

How do we get a workable electoral system out of that, which the minister claims he wants to be fair, open and democratic? The answer is: not through this "committee of the whole" system. That is why we made provision for standing committees. If this legislation were to go to a standing committee - it will not because the minister does not agree - that standing committee could go to the areas where there are electoral concerns, including the Kimberley, the Pilbara, the Gascoyne and the Murchison, and the goldfields. People are extremely concerned about this legislation. The minister would argue that they are concerned because of the "scare campaign" that was mounted during the election, but that scare campaign was accurate. The effect of this legislation is to transfer seats from the most remote parts of Western Australia to the city. People want to have their say, and nothing in this process allows them to do that.

As I said earlier, the spin that is coming out of this is smart politics. It is good for the protection of some individual members, but the reality of the spin doctoring is to agitate for more concern - and there is a huge amount of concern. I know about the country people travelling into the Kimberley, and I can show the minister some letters and e-mails from some people in the Kimberley indicating that they are extremely concerned about what is happening.

I know there is no such thing in politics as a reconsideration, and that is unfortunate, but I think the minister has made a short-sighted decision about the committee work.

Mr McGinty: If there were a glimmer of hope - that has not been forthcoming from this Chamber - other than the basis upon which I put those propositions to the Leader of the National Party, the most obvious minimal

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concession is to say that country seats do not need vote weighting. That has not come back to me from the Liberal Party. I think there has been an indication from the National Party, but it has one vote in the upper House. That is the reality.

Mr GRAHAM: Some part of me accepts what the minister is saying. My position is no secret to the minister; he has known it for over a decade: when I have met with the farmers and members of the National Party and anyone else who wants to talk to me, I have said that I am in politics and I can be bought. It is that simple. My interest is in the north west of the State: look after the north west of the State and Larry Graham will go away and shut up. That is what I said when I wrote the article for *The West Australian* immediately following the election, that is what I used to argue in Caucus, that is why I did not pay the \$2 000 for the High Court case, and it goes on and on. My position is simple: if a proposal is not acceptable to the remote areas of the State, I will not agree.

Mr McGinty: That is fine. In any case, let us have the debate -

Mr GRAHAM: We did that last week; we have all done our set pieces.

Mr McGinty: What is the point - if there is no consideration, no accommodation - of referring this to a committee?

Mr GRAHAM: There is no consideration. We have done the circus part of Parliament, if one likes. We have all given our speeches on the second reading; we have vented our spleens and cleared the air. Now, in reality, we have to deal with the legislation in front of us. It does not matter whether I want a unicameral system or whether I want this, that or something else; I have to sit down and write on a piece of paper what it is that I want, and so does every other member who has a case. Someone has to look at those documents and deliberate on them. Where is the worst place to do that? The worst place to do it is in this Chamber, because the members on this side have no liberty, the members on the opposition side have no liberty, and, in effect, because of my public statements I have no liberty. There is nowhere to go! All the knowledge is in the Electoral Commission. The only way members of Parliament can access the knowledge in the Electoral Commission is to either walk down there - very few do that - or have it filtered to them through the party room, through someone in the minister's position who has a bias. I am not saying that it is an unhealthy bias, but I am saying that the minister has a bias. The minister has a view and he puts it to the party room.

The role of committees, as we foresaw and as we argued, is to get all those disparate views together as best politicians can - because we can never cease being politicians - and for the parties to remove their partisan hats and sit down and work out what it is that is being referred to. I think I am starting to repeat myself.

I plead with the Minister for Electoral Affairs that if he will not support this amendment moved by the National Party - I think he should, but he has indicated that he will not - he should quickly get his people to draw up some terms of reference for that standing committee that he can abide by.

The Minister for Electoral Affairs should provide some explicit terms of reference that could be shown to members over the meal break and that could be referred to the committee with a time limit. The minister should instruct the committee to consider those points of which he is aware. The minister has not asked me for my opinion either, although the minister knows my position because I have argued for it endlessly. I happen to agree with the regional cities concept as long as it does not apply to the north west. We do not have any cities, so we are safe from that policy. I agree with that concept.

There are ways and means for the minister to draft terms of reference that would put the onus on the committee. The minister has the opportunity to do something new that can deliver an outcome to this Chamber that members want. Is the committee of the ilk that it will deliver a result with which the Government could live, or is it a committee that will continue to divide over the matters of electoral reform? No National Party members are on the committee. If they want it to do something, they will have to make a submission. The committee will meet publicly; therefore, if the National Party wanted to make a submission, the Government would know what it wanted to do - it is not a secret society, not that anyone on a committee would ever leak its deliberations to a minister! However, it is not unknown for ministers to pick up the general drift of the direction in which a committee may be headed. Three Labor members are on the committee.

Mr McGinty: A country member is the chair.

Mr GRAHAM: A country member is the chairman. I have heard that the deputy chairman of the committee - the good member for Pilbara - is an outstanding advocate for his region! I say that with my tongue firmly in my cheek. That comment might play on the minister's political paranoia, but I do not think that the minister has

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ever had serious grounds for complaint about my work on committees in the time that the minister and I have been here.

Mr McGinty: No, in fact the member has looked after my interests on more than one occasion.

Mr GRAHAM: I am trying to argue the merits of a difficult case to a disparate audience. If the minister will not deal with the National Party motion to refer this Bill to a committee, I plead with him to take advantage of the break or even adjourn the House to draft terms of reference that would be acceptable to the National Party and the Liberal Party. I would also like to be involved in that process. The minister could set a time limit on the committee and allow it to report a position that might surprise the minister.

Mr WALDRON: I support the amendment, and the comments of the member for Pilbara, which I found extremely enlightening. It is terrific for a new member to hear an experienced member talk sensibly on this issue. The Bill should be referred to a committee because of its importance and what it means to country people. I will not go over everything that I and other members have already said. The loss of the eight seats and of the regional voice of the people are important issues to rural people. Since I went back to my electorate last week, the importance of this Bill has become even more apparent to me because it has received more coverage. The Bill must be scrutinised. People in the community must be given an opportunity to consider the Bill. Many people have not had a chance to have their say about this Bill and what it means to them. Many people do not understand this Bill; however, I will not revisit the debate about the title of the Bill. I refer to what I said last week. I have asked city people I know about this Bill and most of them know that we are debating the Electoral Amendment Bill, but they do not know what it means. It is an important part of the process to let people voice their opinions. As a new member, I think that should happen.

Many points should be referred to the committee, and the committee should have an opportunity to hear them. Last week I referred to the inequities that exist already between the city and the country. There will always be differences between the city and the country, and country people acknowledge that; however, many inequities must be examined. This Bill would result in the biggest inequity of all, and the committee should have an opportunity to consider the issue of the inequities that already exist.

The committee must listen to and make judgments on the size of the proposed electorates, the number of people they comprise and the community of interest issue. The committee should also consider the relevance that one part of the electorate has to another for a member to properly represent his electorate. The committee members would like to know and should have the opportunity to know whether the majority of people want this change. We have debated the issue of a referendum, and I believe that it would have been the best way to find out whether the people welcomed this change. Some groups must be given an opportunity to put forward their thoughts on that matter.

Earlier, I raised the issue of the realities that face members who serve the electorate and the accessibility of constituents to their members. I did not raise that issue for personal interest; I raised it because it is a reality. The committee should have the opportunity to examine those issues and it should listen to other people's reasons as to how those issues could practicably work. People feel disfranchised and this committee would enable them to provide input into government.

The issue of major regional centres, which was referred to by the Minister for Electoral Affairs and the member for Avon, should be considered further. Members have had more experience with that issue than I. However, since we have had this debate, I feel strongly that the issue should be considered. Quotas could apply to the larger regions; for example, Albany, Bunbury, Geraldton and Kalgoorlie. If we want to find out more about that issue, rather than discuss it here, it could be referred to the committee.

Today I asked a question of the minister about technology. It is reasonable to say that technology overcomes some of the problems faced by members who service large electorates. However, it does not come near enough to overcoming all of the problems associated with the large size of the electorates. The committee should consider how technology works for country Western Australia. The committee would give an opportunity for major community groups to have their say. A range of people talk to those community groups about how they would be affected by this Bill. I refer to local government, the Western Australian Farmers Federation, the Pastoralists and Graziers Association and other community groups that would like the opportunity to put forward their views on this matter.

Last week, I said that we make many allowances for country people in many different ways. For instance, today I noticed in the *Government Gazette* that reference was made to allowances for mobile phones for members in the country. The Community Development and Justice Standing Committee would be able to look at the

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allowances that should be made in electoral reform for the large areas and for the population distribution in the country. That is why this Bill should be referred to that committee.

We also talk about equality. In this debate, people on the other side of the House have referred to equality of vote and of representation. The committee could look at the true equality of voting and the true representation and voice in this House. I mentioned last week that the drought was highlighted in this Chamber and that that led to action. I know that the minister has been busy speaking to a member. He may not have heard me say that I pointed out last week that the drought was highlighted in this House. People knew about the drought, but I do not think they understood how bad it was and the consequences that would flow from it. I said that it was to the credit of the Premier and the Minister for Agriculture that they went to the affected areas, and things have flowed from that. I was making the point about true representation and a voice in this place to enable that to happen.

I refer again to the major regional centres. Maybe there is a case for one vote, one value applying to them, but we should make allowances for the wider areas of the State.

Mr McGinty: For the broadacres.

Mr WALDRON: Yes. There is a lot of commonsense in that. That is probably one of the main reasons that the Bill should be referred to the committee. The minister and the member for Pilbara may know of a better way to deal with this issue, because I am not as experienced in those areas as those chaps. However, the committee could look at that issue.

Mr McGinty: I think he was trying to put one over me - I am not sure.

Mr WALDRON: That issue should be looked at. Perhaps a sensible way to consider that further is by sending the Bill to the committee. As a result, we may get somewhere.

That is all I want to say on this issue. I do not want to repeat myself. I guess that the people must feel they have a say. That is fair. A referendum would be the best way to deal with this issue, because that would be a fair vote. This issue will affect the people in country Western Australia in particular, who feel they are being mistreated and left out. They feel that many inequities already exist, but this is the major one - it is all over; they should just forget about it. By referring this Bill to the committee, at least those people will have the opportunity to have another say. Therefore, I recommend that this Bill be referred to the committee.

Mr PENDAL: I, along with others, supported the second reading of this Bill. I intend to support the Bill's passing through the Chamber. I also support the motion. However, there is a deficiency with it. It is open ended. Effectively, the Bill could go to a committee and stay there for an indefinite time - one member suggested four years. I guess some members in this place believe that would be an eminently fair outcome. However, I was once in another place, and there was always the warning to be wary of the black-hole syndrome, I think it was called; that is, that sometimes a Bill could disappear into a committee without a finite date, and that was the last one heard of that topic. Realistically, there is not the slightest chance in the world that the Government will agree to the motion of the Leader of the National Party to refer this Bill to the appropriate committee. By extension, the Government would be of a similar mind when it comes to putting a reporting date on it. However, nonetheless, it seems that there is good reason for, first, referring the Bill to a committee. There is also a compelling reason for a finite reporting date.

Amendment to Motion

Mr PENDAL: Accordingly, I move -

To add after the words "Justice Committee" the passage "and for report by 30 November 2001".

Mr AINSWORTH: Given that I let the member for South Perth speak before me, I rise to support his amendment. It is clear that the original motion moved by the Leader of the National Party, the member for Avon, was a genuine offer to refer the matter before the Chamber to a standing committee of this place, to perhaps take some of the political heat out of the argument that we all know tends to occur in this place. It was a genuine attempt to allow the process of negotiation to take place in a better fashion. It was not just an attempt to sideline the Bill so that it disappeared into the black hole, as mentioned by the member for South Perth.

Therefore, to that extent I am happy to support the amendment to the motion to put a finite time on the consideration of this Bill by that standing committee. Clearly, for the Government and the minister to accept the National Party's motion in the first place, they would obviously want to be assured that it would not continue ad nauseam and would achieve the Government's aim, which is to bring in electoral reform. On that basis, I agree that a time line should be established for a committee to look at this legislation. I would perhaps prefer a slightly longer time, but I would not make any silly suggestions like two and a half, three, or even four years, as my

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friend on the Labor side of the House suggested flippantly. I do not think anyone would seriously consider that. For obvious reasons, some of us may prefer that it took a heck of a long time. However, to be sensible about it, many members on this side of the House understand that although the Government's motivation in bringing forward this legislation in the first place may have been political, even if that possible benefit is put to one side, the minister, as an individual, has a philosophical view on the matter - I accept that. Therefore, it is reasonable that someone in his position should proffer this sort of legislation to the Parliament to consider.

However, at the same time it is also appropriate that the process of that consideration should not be on an ad hoc basis. Unfortunately, as the minister well knows, according to the way this place works, when legislation - particularly contentious legislation - is brought in, it tends to bring forth amendments made on the run. As the minister said today, he has heard of some of the amendments only in the past 24 hours. Frankly, although dealing with those types of amendments behind the Chair or over dinner may be preferable to trying to come to a decision on the hop, as it were, in this place, it is still inadequate when compared with the length of time that the amendment moved by the member for South Perth will allow the committee, which this Chamber has already established to deal with these matters, to do its job. It will allow a bit of time to develop alternatives that may be acceptable. I say "may" because, similar to many members in this place, I do not think we have thought through all the alternatives and possibilities that may be acceptable. The most important thing is that we have not had time to take those amendments or possibilities back to our constituencies to discuss with the public at large, and to give people the time to think about them. Hearing about these matters in the media and taking two or three days until the next sitting of Parliament starts after a weekend is not enough time to get feedback from the widely dispersed constituencies which will be affected by this Bill and which country members represent.

The best outcome for all points of view would be achieved by sending the Bill to a committee which has a finite time for its deliberations. Whether the parties and Independents on this side of the House accept the committee's recommendations is something we will find out in due course. The process is appropriate, as is the time limit for the committee's discussions. We understand that Governments will not provide open-ended opportunities for such committee deliberations. The Government must have some control and certainty. It is important to recognise, as I am sure the minister does, that this Bill has been introduced very early in the Government's term. Sending the Bill to a standing committee, as recommended by the Leader of the National Party, would, especially with the limit suggested by the member for South Perth, leave ample time for the Bill to pass through the other necessary stages and be dealt with in the Legislative Council and for the Electoral Commission to deal with the final outcome preparatory to the next state election in three and a half years. Time is on our side and, in that respect, there is no rush to get this legislation through. Sending the Bill to a standing committee, as has been proposed, would result in a better outcome. The time limit suggested by the member for South Perth is entirely adequate. It would give sufficient time for members to talk to their constituents, representations to be made and a recommendation to come back to this House, which, as individuals or parties members, we would accept or reject. That is a much more democratic process. At the very least, the people in the community would have had an opportunity to put forward their voice and present their points of view. Ultimately, they will be the recipients of whatever this Parliament decides and will wear the outcome for a long time. It could remove the accusation that the Minister for Electoral Affairs and the Government had rushed the legislation through. I heard someone interject that electoral change has been on the Labor Party's agenda for 100 years. That may be so, but we only now have a situation in which it is possible for that legislative change to take place - if the Government gets support from sufficient members in the other place. This is the first time the Labor Party is able to achieve the change it is presenting to us. For that reason, despite any previous consideration that might have been given to the issue, the public needs to deal with the facts as they stand now. A committee would enable that. I again stress that the time limit suggested by the member for South Perth is adequate. I support -

Point of Order

Mr BARNETT: I question the right of the member for Perth to sit at the Table.

Mr McGinty: He has come to ask me a question about -

Mr BARNETT: I question the right. We are in consideration in detail.

Mr Hyde: Earlier you complained that nobody was with him.

The ACTING SPEAKER (Mr Edwards): There is no point of order if the member for Perth is not taking part in the debate. He is not taking part, but merely having a conversation.

Mr Barnett: I accept that, but it is discourteous to this Parliament.

Debate Resumed

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Mr AINSWORTH: I was concluding my remarks and trying to attract the attention of the Minister for Electoral Affairs. Even though there was no point of order, I agree with the Leader of the Opposition. It is most unusual, to say the least, particularly in a debate as important as this, for another member to be at the Table in that fashion.

Mr Barnett: You are observing gross ignorance.

Mr AINSWORTH: It does not help the debate. I will conclude my remarks; the minister is trying to have two debates at once.

Mr McGinty: I am listening.

Mr AINSWORTH: I seek the minister's genuine consideration of the Leader of the National Party's motion and the member for South Perth's subsequent amendment. They would provide some benefit to the minister. I do not lightly suggest benefits that might give the Australian Labor Party some kudos; however, putting the matter before a committee would remove some of the heat from the situation. The Government has the numbers in the House. It would lose nothing if it did not like the outcome, but a committee would at least give people the opportunity to have their say over and above what their elected representatives are able to put before the House. For example, I have had feedback from people in Esperance, but I have not had an opportunity to talk to constituents outside that immediate vicinity. That is what we all need.

Mr BARRON-SULLIVAN: It seems odd that I am standing to talk to the amendment before I have spoken to the substantive motion, but I shall do that later, regardless of whether this amendment is carried. The motion makes very good sense. It is the first test of the House's new standing committee procedures. We have had much discussion about whether there should be -

Mr McRae interjected.

Mr BARRON-SULLIVAN: This is the first test as to the application of the standing committees. I will explain why in a moment.

Mr McRae: This House has already referred a matter to a committee, which I chair.

Mr BARRON-SULLIVAN: Yes; but that was hardly a test. This is the first real test. The minister says that he will not support sending the matter to a committee. It would not be a lame-duck, tame, government-sponsored and initiated inquiry. This issue is about the process of Parliament; it is real, genuine stuff. This is how the committee structure should operate. A number of things will need to be considered whenever a member - government, opposition or Independent - proposes to send a Bill or matter to a committee. Today is the first time we have had the opportunity to consider the genuine application of the parliamentary committees. Anyone who has studied the process of parliamentary committees in other Parliaments would realise that the key to success is for matters to be sent to a committee regardless of what the Government of the day feels about the potential outcome. The Government might know what it wants with this legislation and how it wants particular matters rammed through the Parliament. However, if it genuinely believes in the democratic process of this Chamber and in committee assessment of legislation, it should send the Bill to a committee. This is precisely the sort of legislation that should be let through to the keeper.

I was asked in the corridor by someone in the media how long a committee like this should run. My personal view is three months, which is what the member for South Perth suggested - great minds think alike! If we are to set up committees and send legislation to them, a number of things must be considered. One obvious consideration is how long a committee should deliberate on an issue. Committees must be effective. The time they have for deliberations must be long enough to enable them to be effective; on the other hand, they should not be used as a delaying tactic. I say that as an opposition member. A proposal to send something like this to a committee should not be a way of delaying the introduction of legislation. However, the member for Roe made the point that even if there were a three-month delay in the legislation's passage through the Parliament, it would not necessarily prevent the legislation being implemented prior to the next election. The Government need not see this initiative as a threat to the timetable for its agenda.

To put it bluntly, at the end of the day, even if the Government lets this legislation go to a committee for three months, and the issue goes back to square one and we still have the same legislation that is currently before the House, the Government can use its numbers in the same way as it can now to get the legislation through this House in sufficient time to allow it to be implemented before the next election. Therefore, I believe that three months is very adequate.

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Another aspect to consider is the types of things that the committee will do. The member for Avon, and others, have spoken concisely on this, and have indicated that the committee should not be constrained; it must have enough time to consider a wide range of matters, and to consult with people in the community. I believe the committee will need to travel, particularly to country areas. However, three months is sufficient time to enable it to do that. If we are to listen to people, and I think the member for Avon suggested that we listen to academics, as well as a range of other people such as farmers -

Mr Graham interjected.

Mr BARRON-SULLIVAN: Yes, the farmers federation! Definitely! We would want to hear from people in Port Hedland.

Seriously, however, a number of people would like to give feedback on legislation like this, and in my view three months is -

Mr Graham: I don't know about academics, I haven't warmed to that idea!

Mr BARRON-SULLIVAN: The member for Pilbara is still not keen on the idea of academics!

The point is that in three months, a committee could talk to a lot of people. If the committee needed another couple of weeks to work on the legislation, it could come back to the Chamber and have a brief discussion behind the Chamber door and, lo and behold, the deadline could be extended by one week, two weeks, a month or whatever. Again, at the end of the day, the Government has the whip hand, because the Government has the numbers in this Chamber. The Government has the whip hand in the committee, because it has the majority of members on the committee. I believe this committee is an interesting one to look at because not only is there an opposition member on it, but also there is an Independent member in the member for Pilbara. Therefore, I suggest there would be fairly frank and robust consideration of the legislation that is currently before the House. Three months is adequate; it is good. However, if the committee needs more time, there is the opportunity for an extension. If problems arose, and the Government wanted to put through the legislation as it is currently before the House, sending the legislation to the committee will not interfere with the Government's overall timetable on these matters.

Three months would enable the committee to request information. For example, only the other day a question was asked in Parliament relating to the legal advice that was provided to the Minister for Electoral Affairs about this legislation. I suggest that three months will be ample time to obtain even that sort of advice, to ensure that the committee is fully informed about the legalities and so on of this legislation. It is not my intention to go into the details of why we need a committee; I shall do that later. However, I believe that the member for South Perth's motion is sensible. It sets a precedent for procedure in this Chamber; that is, we must think sensibly about every aspect of motions to send matters off to committees. The question of how long the committee should take to deliberate is one of the most important questions that must be considered, and the member for South Perth has come up with a good formula. The challenge now is for the Government, because this is the first test of the new committee structure. This is the first time that the Government has had to face a motion to send its own legislation to a committee. If the Government's committee structure is to work - if it is not to be a totally partisan and politically dominated process - then the Government must support the three-month time frame, and it must allow the legislation to go to the committee. This is not just about this legislation; this is about the very basic process of the committee structure that is being established in this House. It goes to the very heart of whether this Chamber will have the maturity to be its own House of Review. This is also a test for those members who might be thinking of a unicameral system of Parliament, because that would require a good process of committee analysis. We would need an independent arrangement; strictly speaking, we should have committees with independent chairs. The member for Pilbara might have been chairing this committee instead of being relegated to deputy chair.

Mr Graham: Like the fuel committee.

Mr BARRON-SULLIVAN: Absolutely! The member for Pilbara came very close to the chairmanship!

I will be very blunt. One of the aspects of select committees that drew criticism was the fact that they could be dominated by the Government of the day. Unfortunately, we have already seen that with the standing committees, and I am sceptical as to whether they will operate in the way they should.

This is the first test; this is a fundamental test about whether we believe in the process of democracy in this House. It is a test to see whether the Government has the guts to let a committee out, to undo the leash and to

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say to the committee, "You go for a run," and hope that it does not come back and bite it on the proverbial. I believe the Government will run scared. I do not think it will allow a three-month limit, nor do I think it will allow a committee. If it does, I will be the first to applaud the Government's actions, because it has nothing to do specifically with this legislation; it has to do with procedure in this House. If the Government can make this work - this is the challenge to the Minister for Electoral Affairs, the Premier and government members - and lets this go to the committee, even a committee that is dominated by government members, it will demonstrate that there is a maturity of thought which we can apply to further changes to the parliamentary process.

Dr WOOLLARD: I support the motion that the Bill be referred to the Community Development and Justice Standing Committee, and that this committee report by 30 November 2001. I have looked at Standing Order No 287, which deals with portfolio-related standing committees. Section (1)(a) relates to community development and justice and section (2) states -

The functions of each committee are to review and report to the Assembly on - . . .

(d) any matter referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

Therefore, our standing orders say that is appropriate for a Bill that has such wide ramifications for this Parliament to go to this committee for further discussion.

I advise the House that a specialist parliamentary group will hold a seminar on electoral reform issues on Monday, 17 September. This seminar will include a discussion of the ramifications of electoral reform for bicameralism, one vote, one value and party representation. Professor Greg Craven will introduce the issue of one vote, one value, and Associate Professor Campbell Sharman will discuss the effects of party representation.

A government member interjected.

Dr WOOLLARD: Who is that? I have not been to one of his sessions before.

The participants at this seminar will be academics and other interested members of the general public; representatives from various political parties, including members; members' support staff; parliamentary staff; and media representatives. I believe that this seminar will allow good community feedback that the Parliament can look at during further debate on this Bill.

Mr D'Orazio interjected.

Dr WOOLLARD: I would certainly like to participate in that, and I am also telling people in my constituency about the seminar because many people have phoned to ask what will happen with the one vote, one value legislation. This will be an excellent seminar, and I wish it had been held two or three months ago. However, it is wonderful that it is being held, that the community will have a chance to have some input into this issue and that the Government will have a chance to listen to those community opinions. Many people in the community are under the impression that this legislation was not a major part of the Labor Party's platform, and although the Minister for Electoral Affairs has said that it has been part of the Labor Party agenda for many years, it was not one of the big issues during the election campaign. The big issues during the election campaign were health, education, law and order and old-growth forests.

A government member interjected.

Dr WOOLLARD: I think there is a difference of opinion, but it certainly was not something that was widely discussed within the metropolitan area.

Sitting suspended from 6.00 to 7.00 pm

Dr WOOLLARD: In summary, I support the motion that the Bill be referred to the Community Development and Justice Standing Committee, and the amendment that the committee report by 30 November. As this House will know, I supported the referendum called for by the National Party, and I also supported the principle of this Bill, which is one vote, one value. That principle is important, but just as important is the principle of community consultation. This motion will allow the community to look at the issues and provide some feedback to the Government.

Mr TRENORDEN: I have not spoken yet on this amendment. There was no time factor in my original motion, because I was hoping that the Leader of the House would pick up my initiative, and refer the Bill to the Community Development and Justice Standing Committee. This did not happen, but I support a time limit. As a long-serving member of that committee, I believe that it is fair and reasonable to put a time limit on these

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Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

matters, especially the budget and the estimates committee would take place during the discussion of this matter. Every member of the House will need to be involved in those proceedings. I support a time limit on the motion.

Amendment put, and a division taken with the following result -

Ayes (20)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mr Trenorden
Mr Barnett	Mr Edwards	Mr Masters	Mr Waldron
Mr Birney	Mr Graham	Mr Pandal	Ms Sue Walker
Dr Constable	Mrs Hodson-Thomas	Mr Barron-Sullivan	Dr Woollard
Mr Day	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)

Noes (28)

Mr Bowler	Mr Hill	Mr McGowan	Mr Quigley
Mr Brown	Mr Hyde	Ms McHale	Ms Radisich
Mr Dean	Mr Kobelke	Mr McRae	Mrs Roberts
Mr D'Orazio	Mr Kucera	Mr Marlborough	Mr Templeman
Dr Edwards	Mr Logan	Ms Martin	Mr Watson
Dr Gallop	Ms MacTiernan	Mr Murray	Mr Whitely
Ms Guise	Mr McGinty	Mr O'Gorman	Ms Quirk (<i>Teller</i>)

Pair

Mr House

Mr Ripper

Amendment thus negatived.

Motion Resumed

Question put and a division taken with the following result -

Ayes (20)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mr Trenorden
Mr Barnett	Mr Edwards	Mr Masters	Mr Waldron
Mr Birney	Mr Graham	Mr Pandal	Ms Sue Walker
Dr Constable	Mrs Hodson-Thomas	Mr Sullivan	Dr Woollard
Mr Day	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)

Noes (29)

Mr Bowler	Mr Hill	Ms McHale	Mrs Roberts
Mr Brown	Mr Hyde	Mr McRae	Mr Templeman
Mr Carpenter	Mr Kobelke	Mr Marlborough	Mr Watson
Mr Dean	Mr Kucera	Ms Martin	Mr Whitely
Mr D'Orazio	Mr Logan	Mr Murray	Ms Quirk (<i>Teller</i>)
Dr Edwards	Ms MacTiernan	Mr O'Gorman	
Dr Gallop	Mr McGinty	Mr Quigley	
Ms Guise	Mr McGowan	Ms Radisich	

Pair

Mr House

Mr Ripper

Question thus negatived.

Clause put and passed.

Clause 2: Commencement -

Mr BIRNEY: It is my intention to oppose the clause with a view to moving the following -

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pendal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Page 2, line 2 - To insert -

- (1) Subject to this section, this Act comes into operation on a day to be fixed by proclamation.
- (2) This Act shall not come into operation unless, after the Bill for this Act is passed by both Houses of Parliament but before it receives Royal Assent:
 - (a) the question -

“Do you approve of the Bill entitled Electoral Amendment Bill 2001?”

is submitted to the electors in a referendum as to a Bill pursuant to the Referendums Act 1983; and
 - (b) following that referendum, the statement referred to in section 30(3) of the Referendums Act 1983 evidences that, as regards the whole of the State, the number of votes marked “Yes” exceeded the number of votes marked “No”.
- (3) This Act shall not come into operation unless the second and third readings of the Bill for this Act shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.
- (4) This Act shall not come into operation sooner than 28 days after the tabling in each House of the Parliament of a report by the Minister into the resources to be provided to members of the Parliament.

The amendment I seek to move discusses a number of points. In particular, it refers to a referendum. We all saw the disgraceful actions of the Labor Party last week when the suggestion of a referendum was guillotined after only one hour of debate. I want to know whether the Labor Party has learnt anything from that, because it did not go down very well in the community. When major changes to the electoral system are proposed, there needs to be a fair and equitable debate, particularly with respect to a referendum. My amendment would require that this legislation is passed by an absolute majority of the members of the upper House. Were the Government of a mind to simply amend the Electoral Distribution Act, it would require an absolute majority in the upper House. It is only fair, given that the Attorney General and the Labor Party are intent on repealing one Act and putting it into another one, that the provisions for an absolute majority in the upper House be upheld.

The Opposition recognises that if one vote, one value becomes a reality and country vote weighting is abolished, some electorates will need extra resources. The Opposition does not support the abolition of vote weighting in any way, shape or form. The legislation should not be passed until the Government has firmly laid out its plans for extra resources, whether it is for extra offices, electorate officers or research officers. There is a host of resources that the Government could bring into play. It is pertinent that the Government first advise the House - or certainly within 28 days after the tabling of a report in each House - of what the extra resources will be.

There is a question as to whether the Government has a mandate. Labor Party literature on the issue of one vote, one value was strangely absent during the election campaign. No advice was stuffed into people's letterboxes that the Government intended to take eight members from the country and put them in metropolitan electorates. The Labor Party did not campaign on that. It gave guarantees that may as well have been written in invisible ink. The Labor Party is not able to uphold those guarantees. The Labor Party does not have a mandate. I will continue my remarks at a later stage of this debate.

Mr GRAHAM: Are we dealing with the amendment moved by the member for Kalgoorlie?

The ACTING SPEAKER (Mr McRae): I did not hear it moved; it was only foreshadowed.

Mr GRAHAM: Was it moved or foreshadowed?

Mr Birney: I foreshadowed it.

The ACTING SPEAKER: Is the member for Pilbara speaking against the clause as printed?

Mr GRAHAM: Which concerns the commencement?

The ACTING SPEAKER: That is correct.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pendal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr GRAHAM: No, I want to speak on the amendment that has been foreshadowed. I will speak when that comes up.

Mr Birney: I cannot move the amendment, because it negates the initial clause. If this clause as it stands is defeated, I intend to move -

The ACTING SPEAKER: The member for Pilbara is welcome to talk on the clause in any way he desires.

Mr GRAHAM: Thank you, Mr Acting Speaker. I invite an interjection from the member for Kalgoorlie, because I am perplexed about where we are going. I want to speak on the amendments that he has foreshadowed. As I understand it, if I sit down, he can move those amendments.

The ACTING SPEAKER: The first step in this process is for the question of this clause to be taken.

Mr GRAHAM: I will sit down.

Points of Order

Mr PENDAL: I seek some guidance. The Acting Speaker has suggested that an amendment of that kind cannot be moved until we have disposed of the clause. My understanding is that the member can move his amendment at any time. I encourage him to do so, because he is talking about the matter being remitted to a referendum. I signalled my support for that during the second reading debate. Now that the member for Pilbara has resumed his seat, the member for Kalgoorlie could move an amendment to the existing clause, which would test the House on sending the matter to a referendum. I understand that to be the position, and I hope the member for Kalgoorlie will move his amendment now, because I support it with some enthusiasm.

Mr BIRNEY: This might help the member for Pilbara. My intention is to oppose the clause as it stands, with a view to moving the amendments I just read into *Hansard* in the event that the initial clause fails. I have done it in that way because it is my view, and the view of others, that the amendments I seek to move will negate the initial clause. As a consequence, I cannot move this as an amendment, but I am certainly foreshadowing that I oppose the clause and that, should it fail, I will move those amendments.

Mr Graham: Can you circulate those amendments?

The ACTING SPEAKER: We are dealing with the clause as printed; that is the question before the House. The member for Kalgoorlie has foreshadowed a new clause that is in direct contravention of the clause within the Bill, so it cannot be an amendment. We must first take the question of the clause as read and if that is defeated, we can move on to the foreshadowed amendment. To clarify that point, we have allowed discussion on this matter because the House needed to know that an amendment was foreshadowed, which could be dealt with only if the clause as printed was not agreed to. We have allowed that to be debated as part of this clause. My ruling is that we are dealing with the clause as printed.

Mr PENDAL: Thank you for that explanation, Mr Acting Speaker. However, it seems to me that if the clause were passed, as one would expect it to be because the Government has the numbers, the member would lose the opportunity to do what he is seeking to do. Therefore, he is faced with a peculiar dilemma. He has been told that he cannot move it now. I wonder how he can move it in the way foreshadowed if the clause is about to be passed, and the Government has clearly indicated that it has the numbers to pass the clause.

Mr BIRNEY: Clause 2 concerns the date on which the Bill will be proclaimed. I have simply foreshadowed that if the clause is defeated, I will introduce an amendment concerning a referendum. The amendment relating to a referendum will be moved if clause 2 is lost. The member for South Perth is right; it is unlikely that clause 2 will be lost. That is our point of view at this stage.

The ACTING SPEAKER: I do not think that I need to make a ruling, but I will explain why we are following this procedure and why I indicated to the member for Pilbara that he could speak on the question of whether clause 2 should stand as printed, because allowing him to do that enabled him to speak on the question of the foreshadowed new clause. The amendment can only follow the question of clause 2 being put and, indeed, any other matter in relation to the clause. The member for Pilbara still has the call.

Debate Resumed

Mr GRAHAM: No, I had resumed my seat.

The ACTING SPEAKER: No, we were on a point of order.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pendal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr GRAHAM: I am happy to resume my seat.

The ACTING SPEAKER: I took a point of order, which was why you sat down.

Mr GRAHAM: Sorry, I was of the opinion before the point of order that if the member for Kalgoorlie did not move his amendment at that stage, he would lose his chance. That was all I was trying to provide. I want to speak to his amendment later.

Mr Johnson: You might not be able to.

Mr BARNETT: Clause 2 relates to the proclamation of this Bill or, in other words, when it will come into effect and become law. This is an extraordinarily significant piece of legislation. It affects not only our voting system, but also the whole operation of this Parliament. This Parliament is an important institution. However, this place was brought into ill repute on three separate occasions last week. The first occasion occurred when, in my opinion, the Minister for Health misled this Parliament and sought to conceal that fact. The second occasion was when the Leader of the House, followed by the Minister for Electoral Affairs -

Mrs Roberts: What has this to do with the clause?

Mr BARNETT: It has to do with the proclamation of this clause. The second occasion involved comments by the Leader of the House and subsequent comments by the Minister for Electoral Affairs. I will survive those comments; I do not shrivel or cower from them, but obscene and inappropriate language was clearly used within Parliament. Those actions were not sanctioned by either the Premier or the Parliament. However, the Premier sought to defend the comments by the Minister for Electoral Affairs.

Points of Order

Mr KOBELKE: The matters raised by the Leader of the Opposition are important, but they do not refer to the clause now before the House. I gave the speaker a full minute to discover if he could find some relevance to the clause. I cannot see any relevance to the commencement of this particular Bill in the comments being made by the Leader of the Opposition.

Mr BARNETT: I have been speaking in this debate for one minute and five seconds and I was about to draw a relationship between the proclamation of this Bill, the language used in this House and the act of the guillotine.

The ACTING SPEAKER: I am inclined to uphold the point of order, but I will allow the Leader of the Opposition to move straight to the clause.

Debate Resumed

Mr BARNETT: The issue before this House is the handling of this Bill. The ultimate issue of the handling of this Bill is when the proclamation will come into effect - when this Bill becomes law.

The member for Kalgoorlie has foreshadowed an amendment for a referendum, and that is what we are talking about. We have seen inappropriate behaviour in this Parliament -

Mr Kobelke: Speak to the proclamation.

Mr BARNETT: I do not need the help of the Leader of the House. Last week we saw a misleading of the House and obscene language, both sanctioned by the Premier. The point I make is that those two events, inappropriate as they were, were small in comparison with the act of using the guillotine on the referendum issue.

Mr Kobelke: Speak to the proclamation.

Mr BARNETT: The referendum issue is what the proclamation is about.

Mrs Roberts: You are abusing the Acting Speaker's ruling.

Mr BARNETT: No, I am not. This is about the proclamation. It relates to the foreshadowed amendment for a referendum before the proclamation of the Bill. The proposed amendment is that there should be a referendum before proclamation. It is specifically on this point. The use of the guillotine - the gag motion - last week was done by the Minister for Electoral Affairs and the Leader of the House without the knowledge of the Premier.

The ACTING SPEAKER: I have waited for the Leader of the Opposition to come to the point that relates to clause 2. I have extended the opportunity to him, and I now ask him to get to the matter.

Mr BARNETT: The point being argued by the Opposition is that this Bill should not be proclaimed until there has been a public process. There were two opportunities for public process. The first is the one that I have been talking about for a minute; that is, the motion for a referendum, which was gagged in this House after less than

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one hour's debate. Therefore, we have returned to that issue to allow the people of Western Australia to have a say about the changes to their legislative and parliamentary system. It is quite a fundamental issue and it occurs in clause 2, which relates to when this Bill will become law if it is passed through Parliament.

Mrs Roberts: You did not worry about that when you brought in the third wave legislation.

Mr BARNETT: Yes, we used the gag on the second wave legislation, but after some 30 hours of debate.

Mrs Roberts: You used this routinely. You would move it at the start of the week.

Mr Birney: The third wave was hardly a constitutional matter.

The ACTING SPEAKER: Order!

Mr BARNETT: On clause 2, which relates to the date of proclamation, it is the contention -

Mrs Roberts interjected.

Mr BARNETT: I understand that the brief of Labor Party members is to shut me up this week. That has been quite clear from the beginning of today's proceedings, and they can keep doing it; I am ready for it. If their tactic is to stop opposition members speaking on electoral reform, I say good luck to them. However, it will not work, just as the dirty tactics last week did not work.

Mrs Roberts: You moved the guillotine more than any other member.

Mr Sweetman: You should have said eventually.

Mrs Roberts: You moved the guillotine more times in the Assembly than any other member in the history of this House.

Mr BARNETT: After 30 hours of debate.

The ACTING SPEAKER: Order, members!

Mr BARNETT: I ask the Labor Party, because this is about the date of proclamation, why it is so terrified about going to the people on a referendum? Why has it been too terrified to even refer this legislation to a standing committee? The first option was to allow the people to have a say on electoral and parliamentary change. It ran shy of that. It had a second option today to refer it to a standing committee where at least parliamentary process could apply and the standing committee, if it operated for two or three months, could at least receive public submissions. The Labor Party should at least allow those processes. It is allowing no public process at all on this legislation. This legislation should not be proclaimed until there has been a public process. We have recommended two processes: first, a referendum, which is the most democratic; and, second, allowing a standing committee of this Parliament to look at the legislation properly and allowing groups such as the local government authorities in country areas, farmer groups and the like to make public submissions. Why does the Government run scared of the public on this issue?

Mr GRAHAM: I apologise for the earlier mix-up. When it was explained to me about 20 times slowly, I finally got the message. That is why we need more members from the bush.

I will deal seriously with some of the issues that were raised in the foreshadowed amendment as best I can. I find myself dragged inevitably into the debate about gagged and guillotined discussions in this House. One of the things I dreaded after the election was coming in here as an Independent member and having to vote against my previous colleagues when I thought they would introduce the sessional order that existed in the previous two terms. I was very pleased to come in here and not have to do that. I pass on my congratulations to the member for Nollamara for the way he has run the House. In the past six months that we have sat he has done an absolutely outstanding job. Matters have been able to be debated with agreement behind the Chair, as they should be in a properly constructed House. I do not accept the criticism of members opposite of the way the House is run.

Mr Kobelke: We will agree to your amendment!

Mr GRAHAM: Okay; I will sit down! However, it is true.

Mr Barnett interjected.

Mr GRAHAM: The member for Cottesloe can get a bit snarly about it, but I sat in here for eight years and watched how he ran this House, and he was no glittering gem of democracy. I sat over there and watched legislation that I thought was of vital importance -

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Mr Barnett: Do you support gagging electoral reform?

Mr GRAHAM: I watched Bills in which I had a political interest and which I thought were of vital importance get knocked through this House simply because the hour had ticked over on the clock. That was a sessional order the Liberal Party adopted.

Mr Barnett: We had 70 hours of debate on industrial relations.

Mr GRAHAM: The Leader of the Opposition was the architect of it. Consistently gagging debate is significantly different from gagging one debate on a referendum when opposition members had had the debate two days beforehand. I know they did because I was involved. I opposed it and I will oppose it now.

I can change my mind on a referendum; not that that is the end of the world for the Government. However, in the process of electoral reform, there must be some way for this Chamber and the legislators to engage the public. That is not happening. We have a secret deal that has been cooked up in private between the Minister for Electoral Affairs and the Greens (WA), which is being put forward as the only option that this State can consider. I do not accept that. The ability and the options for the Government to be able to engage the public are being knocked off one by one. As the Leader of the Opposition said, government members and I have opposed the referendum. They have opposed referring the Bill to a committee. Now they are running out of options. I assume government members will agree to the Greens' amendment in the upper House to refer the Bill to a committee of that House.

Points of Order

Mr KOBELKE: Despite the friendly comments by the member for Pilbara, I again come to the matter of relevance. We are dealing with clause 2, which relates to proclamation. The member has been speaking for most of his allocated five minutes and I do not think he has come to the issue of the clause before the House, which relates to the day of proclamation.

Mr TRENORDEN: I rarely make a point of order. I think I might start to do it a bit more often. Mr Acting Speaker, I point to your ruling about 10 minutes ago about how you will handle this Bill. Clearly, the member for Pilbara is doing precisely that, and I intend to do the same as soon as you give me the call.

The ACTING SPEAKER: The Leader of the National Party will remember that my ruling was that I would allow the Leader of the Opposition to get to the issue -

Mr TRENORDEN: I do not want to interrupt you, Mr Acting Speaker, but I was talking about your ruling on the confusion about the procedure; I was not referring to your conversation with the Leader of the Opposition.

The ACTING SPEAKER: Although I think members are stretching the limits, I will allow the member for Pilbara to continue on the basis that he weave this back to the intent of clause 2.

Debate Resumed

Mr GRAHAM: The foreshadowed amendment does a range of things. One of the difficulties with these sorts of amendments is that they require people to make decisions on about six or seven issues. If they disagree with one issue, they have no option but to disagree with all of them. At the moment, I disagree with two major parts of the member for Kalgoorlie's foreshadowed amendment. The first one is the need for a referendum, and I am not convinced on that yet. The second one is the last point raised in the amendment, which states that the Act shall not come into operation sooner than 28 days after the tabling in each House of Parliament of a report by the minister into the resources to be provided to members of Parliament. Notwithstanding the rhetoric of the Minister for Electoral Affairs and of the Greens (WA), that has nothing to do with them. Our pay and conditions can and should be set by the Salaries and Allowances Tribunal. It is not a matter for ministers -

Mr Birney: Some guidance needs to be given.

Mr GRAHAM: Yes. The salaries and allowances of members of Parliament should never be set by the Government of the day and I will oppose that part of the foreshadowed amendment.

Mr Birney: I am not talking about salaries and allowances; I am talking about office resources.

Mr GRAHAM: Absolutely. It is my view - the member for Kalgoorlie would not know this because he has been in this place only a short time - and the view of very many members in the House, in addition to the Salaries and Allowances Tribunal and the Commission on Government, that the responsibility for setting those entitlements should move from the Department of the Premier and Cabinet to the Salaries and Allowances Tribunal. That responsibility has no place with ministers and government.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pendal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr TRENORDEN: I cannot agree with the member for Pilbara about the outstanding effort of the Leader of the House. I believe his performance is zip, and I have told him so. I am looking for a marked improvement in his performance, because he would not get a kick with the Fremantle Dockers at the moment.

Mr Sweetman: That's low.

Mr TRENORDEN: The Leader of the House can add the West Coast Eagles to that.

Th context of this debate, which has occurred before, is difficult. The point is that this Bill is heading through the House with undue haste, when members know that a deal will be done when the legislation gets to the other place. The public realises more and more that a price should be paid for that type of activity. As the member for Pilbara said some hours earlier today, we cannot put a car into reverse and go back to where we were - or it is at least difficult to do so.

Points of Order

Mr KOBELKE: I wish to be consistent and therefore raise with all speakers the point of order that their remarks must be relevant to the clause before the House. The member for Kalgoorlie initially foreshadowed an amendment. It is right and proper that members, in speaking to a clause, foreshadow amendments and give an indication of those amendments.

Mr Acting Speaker (Mr McRae), in addition to the issue of relevance, I ask you to consider the potential for members to speak to foreshadowed amendments. A member could foreshadow an amendment relating to the *Encyclopaedia Britannica*, which simply would not be an acceptable amendment. However, debate could then range over any matter on the basis of that foreshadowed amendment, which is simply not provided for within the standing orders. I ask you therefore to consider the relevance of members' contributions to the debate and that any contribution they wish to make about the member for Kalgoorlie's foreshadowed amendment wait until that amendment is moved. They are not entitled to debate a foreshadowed amendment during debate on clause 2.

Mr BARNETT: The Opposition is very much trying to be relevant to this debate. However, we are frustrated because we are not dealing with the minister. It is very hard to focus on the issues of this Bill when the minister is in the Chamber and not handling the Bill. We are happy to adjourn the debate if the minister will not participate' otherwise the minister should get back in charge of the Bill so that we can deal with the relevant issues.

Mr McGinty: Come on, grumpy!

Mr BARNETT: Call me something else, sunshine; this is the reality.

The ACTING SPEAKER (Mr McRae): The Leader of the Opposition shall come to order.

Mr PENDAL: The Leader of the House raised a valid point. In an electoral Bill, for example, debate should not be permitted, on a foreshadowed amendment about the *Encyclopaedia Britannica*. However, the member for Kalgoorlie has not foreshadowed a remote and unattached amendment to the Bill. He has foreshadowed a matter of intimate connection; that is, whether the Bill should go ultimately to the people as envisaged by the statute of which he spoke. I therefore argue strongly with you, Mr Acting Speaker, that the Leader of the House has no point of order because the detachment referred to by way of the *Encyclopaedia Britannica* does not exist. The member is foreshadowing an amendment of intimate connection to the processes of the Bill before the House.

The ACTING SPEAKER: I have given a fair degree of latitude to speakers on a range of positions on the matter going beyond the clause that we are debating. The Leader of the House has made the point a number of times, and I am coming to the position, that the latitude has been extended way beyond that which I intended. I now ask the Leader of the National Party to come quickly to the question that clause 2 stand as printed.

Mr BIRNEY: I too would like clarification from you in unambiguous terms, Mr Acting Speaker, whether successive speakers are permitted to talk to my foreshadowed amendments. The member for South Perth made a good point that they relate directly to clause 2, which relates to the proclamation date of the Bill. If members cannot speak to the foreshadowed amendments, this debate will be significantly stifled.

The ACTING SPEAKER: The member for Kalgoorlie in his initial comments on this clause foreshadowed an amendment should the clause be lost. As a result of that I extended a degree of latitude. I shall not continue to do that. To be absolutely and unambiguously clear, subclauses (2), (3) and (4) of the member for Kalgoorlie's foreshadowed amendment - which he has kindly distributed although he is not required to do so - have very little to do with the mechanics of a proclamation. I allowed him and a number of other speakers to talk to the

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amendment but that latitude is coming to an end. As soon as the Leader of the National Party has concluded his remarks, I will no longer allow continuous, wide-ranging discussion on matters unless they relate to the clause.

Debate Resumed

Mr TRENORDEN: I was wondering whether I should take another point of order, but I will not because you are in a difficult position, Mr Acting Speaker. I do not want to put any pressure on the Chair because that would not be fair. The proposed amendment refers to altering the proclamation date by referendum. The amendment would also affect clause 2. I will speak to those matters. If you think I am out of order, Mr Acting Speaker, you can sit me down; other than that I will run out of time in about two minutes.

The ACTING SPEAKER (Mr McRae): I indicated in my ruling that I was prepared to extend the same latitude to the Leader of the National Party that I have given to two other speakers following the foreshadowing of the amendment, and I will do that.

Mr TRENORDEN: All I am trying to do, Mr Acting Speaker, is point out that you are in a difficult position, as can be the case for members sitting in the Chair.

The ACTING SPEAKER: I am attempting to be flexible while keeping order.

Mr TRENORDEN: The Leader of the House has had his nose put out of joint yet again. He has made more appeals to the umpire than anyone; he is worse than Shane Warne. The question was about the difference between a select committee examining the Bill and a referendum being held to decide its fate. I agree that this has been debated before, so the Leader of the House had some right to jump to his feet. The point that several speakers and I wish to make is that people will be angry about the process in this House. Arrogance displayed in this Chamber caused the Court-Cowan Government to be voted out. My constituents continue to tell me that that is why a number of people moved away from the Court-Cowan Government and voted for One Nation, the Greens (WA) and other people and failed to vote for the Labor Party. Nevertheless, arrogance affects people and this Government will pay a price. It will not be paid with this Bill because it will be irreversible. Once the Government has negotiated with the Greens and the Bill has been passed by the other place, it will become an Act. However, it will have a stench. If my memory works, I will remind members of that not once but a thousand times. I was in opposition for seven years and, as part of the coalition Government, sat on the back bench for eight years. Now I am in opposition again and can see the arrogance that was shown then being shown again now. Parties that are voted in cannot tell previous Governments that they are arrogant and terrible people, yet not heed their own advice.

Mr BARRON-SULLIVAN: It may seem very strange that the Opposition is opposing a one-line clause stating that this Act will come into operation on a day fixed by proclamation. The reality is that it is deficient.

The date of proclamation provides no incentive, inducement or requirement on the Government to meet any of its other obligations on electoral matters. Only recently - I think in response to the media statement released by the Greens (WA) on the forthcoming legislation - did the Government refer to resourcing for country members. Nowhere in this Bill is any mention made of specific matters concerning resourcing of members of Parliament in country areas. Without having discussions with the member for Pilbara about whether the Salaries and Allowances Tribunal should set these matters or whether the Government should in some way dictate them - I have a degree of sympathy with the member's argument - one of the key reasons for opposing clause 2 is that it should contain some requirement to keep the Government honest concerning commitment, albeit very loose commitment, to look after members of Parliament in regional areas.

Has the Electoral Commissioner provided the Leader of the House or the Minister for Electoral Affairs with a report on resourcing country members?

Mr Kobelke: When you come to a clause that relates to that the Minister for Electoral Affairs will answer. We are dealing with clause 2, and the Deputy Leader of the Opposition needs to deal with that.

Mr BARRON-SULLIVAN: I am talking about proclamation. The Government is prepared to pass clause 2, which says the Bill will be implemented on a day fixed by proclamation. There is no commitment from the Government to hold off the most significant legislative change since 1904 until it has produced a report on how it will look after either the member for Pilbara or the member for Ningaloo when he wins the seat of Gascoyne and must look after an area covering at least two-thirds of the State.

Mr Kobelke: I suggest your comments should have some relevance to the clause. The matters you are raising may be relevant to proposed section 16C in clause 4; they are not relevant to this clause.

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Mr BARRON-SULLIVAN: They will be raised again at that stage. They are relevant here because if, as stated, this legislation takes effect in accordance with clause 2 on a day fixed by proclamation, there will be no obligation on the Government to make a firm commitment to provide additional resources for people in country areas.

Mr Kobelke: You are offending the standing orders. You can discuss this matter when we debate the appropriate clause. Your comments do not relate to clause 2.

The ACTING SPEAKER: The Deputy Leader of the Opposition was in this place when a number of points of order were taken on the question of relevance. I have indicated that I was attempting to be flexible and to allow people to contribute as much as they could to this debate. I also indicated I would bring that to a close. The Deputy Leader of the Opposition is sailing close to the wind on proclamation.

Mr BARRON-SULLIVAN: Far be it for me to make any implication about your ruling, Mr Acting Speaker, and I will not do so. I am referring specifically to a line that says the Act will come into operation in accordance with a specific provision, which should be on a day fixed by proclamation. If I cannot say why I am opposing that clause I do not know what this Chamber is about. I should be entitled to explain why the people of Western Australia would be offended if they understood what was the meaning of this line and why the Government is not prepared to put its money where its mouth is and provide for requirements to be effected before the most significant changes to legislation since 1904 take effect.

Just as a government member is able to speak to why that clause should be included, so too should the Opposition be able to describe why it should not. I am beginning every single sentence by saying why that line should be opposed. That is the essence of my argument. One can either support this clause, amend it or oppose it. We oppose it. If, Mr Acting Speaker, you say I cannot give reasons that the clause should be opposed, the essence of this Chamber may as well go down the drain.

Mr PENDAL: It seems to me that if we go about the matter in a slightly different way, we can do that which is being sought by the member for Kalgoorlie. If we do not interfere with the statement in the commencing clause, "This Act comes into operation on a day fixed by proclamation", we are able to achieve that. We would be able to achieve that by moving to add words after line 2. I move -

Page 2, after line 2 - To add the following -

- (2) This Act shall not come into operation unless, after the Bill for this Act is passed by both Houses of Parliament but before it receives Royal Assent:
 - (a) the question -

"Do you approve of the Bill entitled Electoral Amendment Bill 2001?"

is submitted to the electors in a referendum as to a Bill pursuant to the Referendums Act 1983; and
 - (b) following that referendum, the statement referred to in section 30(3) of the Referendum Act 1983 evidences that, as regards the whole of the State, the number of votes marked "Yes" exceeded the number of votes marked "No".
- (3) This Act shall not come into operation unless the second and third readings of the Bill for this Act shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.
- (4) This Act shall not come into operation sooner than 28 days after the tabling in each House of the Parliament of a report by the Minister into the resources to be provided to members of the Parliament.

My amendment achieves that which the member for Kalgoorlie is seeking to do without offending against the ruling given by your predecessor, Mr Acting Speaker (Mr McRae). If that is the case, and I believe it to be, I have moved it and I would like the amendment circulated.

In respect of the principle that we are now discussing, I want to read something briefly to the House. I ask members to take particular note. It reads -

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At the 1983 state election the party that I represented promised the people of Western Australia that they would be consulted about the electoral system of the Legislative Council. At a referendum, the decision for reform or for retention of the present undemocratic system will be placed in the hands of the electors.

To fulfil this election promise a deficiency in our laws must be rectified. Although our State Constitution may not be altered in certain respects except by referendum, our Statutes have no machinery for the conduct of such a poll. The failure to enact such legislation seems to have been a Freudian slip made by the previous Government which enacted the requirement for referendums to change the Constitution, but not the mechanisms to make this possible.

This Bill has the purpose of creating standing legislation to provide the machinery for the conduct of referendums. It would apply to any referendums authorised or required to be held by the Parliament.

That speech was made on 20 September 1983 in this Parliament by the predecessor to the present Minister for Electoral Affairs, Hon Arthur Tonkin, who introduced the very mechanism that we are now beginning to talk about. There was no standing mechanism to bring about referendums. In my amendment I have borrowed the words of the member for Kalgoorlie. I will read what Hon Arthur Tonkin said when he was the Minister for Parliamentary and Electoral Reform in 1983. He was introducing a Bill precisely for the purpose that we are confronting today, which is a Bill I intend to support. He said -

The Bill has wider application in that its provisions would apply to the holding of a referendum on any subject authorised by Parliament. Referendums may be on a Bill - which could involve a constitutional alteration - or be required by an Act;

That was foreshadowed 18 years ago and it created a mechanism for the very issues that are before the Parliament at the moment. Its relevance is clear to anyone. There was no reluctance on the part of the reforming Government of that day to say that it would put it to the people. It said overtly that the people would be consulted on the electoral system. That is the quote in the minister's second reading speech. It seems to me to be eminently reasonable that we should be saying, even people like me and people on the other side who to a person are supporting the Bill, that the Bill by all means should come into effect on a date to be fixed by proclamation but that the proclamation should not be the last word. The last word should be by the people, and that is the reason the amendment before the Chair is very relevant.

Points of Order

Mr KOBELKE: Before we commence debate on the amendment, I put to you, Madam Acting Speaker (Mrs Hodson-Thomas), that this is not an acceptable amendment. I believe it goes to a negation of the proclamation because it requires a whole range of other activities, which in all probability means that the Bill could not be proclaimed. There have been many debates over that. I do not wish to debate the substance of the issue. I ask you to consider that the whole context and extent of the proposed amendment is a direct negation of the clause before the House. On that basis, according to Standing Order No 129, it is not an acceptable amendment.

Mr BARNETT: I contend that the amendment in no way negates the clause. The original wording of the Bill reads -

This Act comes into operation on a day fixed by proclamation.

The foreshadowed amendment effectively puts a condition on proclamation. That is not negating it, but is adding a qualification or condition. I refer you to Standing Order No 177, Madam Acting Speaker, which makes it clear that any admissible amendment may be moved during consideration in detail, provided it is within the subject matter of the Bill - this is within the subject of the Bill - or is pursuant to a motion on notice to extend the scope of the Bill. This amendment extends the scope of the Bill. It is relevant to the subject matter and it proposes to extend the scope of the Bill by putting a condition on the proclamation. It is entirely in order.

Mr GRAHAM: It is not often that I find myself in the position of giving someone a bouquet and then standing up and directly contradicting him. The Leader of the House has been a little ambitious in the ambit of his point of order. Standing Order No 129 outlines how an amendment may be put. It adds a caveat by saying "but an amendment may not be a direct negative". The amendment that we are discussing is to clause 2. The amendment moved by the member for South Perth complements and qualifies the Bill; it does not directly oppose it. If the amendment is carried, the clause would read -

This Act comes into operation on a day fixed by proclamation.

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It would add three subclauses, each of which would qualify the proclamation but none of which is, as required under Standing Order No 129, a direct negative of the clause.

The ACTING SPEAKER: I do not see it as a direct negative, so the question is the words to be inserted be inserted.

Debate Resumed

Mr BIRNEY: I thank the member for South Perth for his wise words. I commend him on his knowledge of the standing orders. I am happy to say that I have learnt something from him today.

Is it not interesting the lengths to which the members of the Labor Party will go to skip around this issue of a referendum? We saw them guillotine the debate last week after about an hour or so of debate on the issue of a referendum. We are now seeing the Leader of the House doing backflips off his chair, trying to convince everybody that we should not be talking about a referendum. One must ask why this mob is so frightened of the issue of a referendum. They are frightened of a referendum because they know what the people of Western Australia will say.

It is also interesting that members of the Labor Party are not frightened of all referendums. They do not have an antireferendum philosophy. I draw members' attention to the Premier's commitment when Leader of the Opposition to hold a referendum on the power to appoint the Governor. The Labor Party wanted to go to the people and spend \$5 million asking people whether the Premier should appoint the Governor or whether the people of Western Australia should appoint the Governor. Without wanting to diminish the position of the Governor one iota, the subject we are dealing with today is considerably more important than who gets to elect the Governor, who ultimately has very little, if any, say at all in legislation in this State.

I hesitate to say it, but I must: we have here a bunch of hypocrites. Members opposite proved they are not necessarily against referendums, because they wanted a referendum on who should elect the Governor. The Premier's response to the Commission on Government's recommendations also involved holding a referendum. The Premier talked about enshrining one vote, one value in the Constitution and taking that Constitution to the people of Western Australia to have their say. It is funny that now the Labor Party is in government it has absolutely no intention of, firstly, holding a referendum and, secondly, talking about the issue of a referendum. I have to say that something smells.

It has been said a number of times in this Chamber that the Labor Party achieved 37 per cent of the primary vote. Without taking into account any other mitigating factors, that is an argument that the Labor Party does not have a mandate on this issue. After watching the antics of the Labor Party, one could be forgiven for thinking it went to the election with only one policy - that is, one vote, one value. It has become evident that the Labor Party did not go to the electorate with that policy. It swept that policy under the carpet, and it was dragged out only momentarily when members opposite were forced to do so. The Liberal and the National Parties told the people of Western Australia what the Labor Party intended to do with one vote, one value. For example, the coalition ran an advertising campaign that resulted in swings against the Labor Party all across the Mining and Pastoral Region. The Labor Party lost its oldest seat. There was a swing against the Labor Party in Eyre and Pilbara and the Liberal member for Ningaloo improved his margin. Where is this mandate? Let us be honest: there is no mandate.

I am pretty amused to see the antics of the Government on the issue of a referendum. Members opposite do not want a referendum. They know what the people of Western Australia will say, and they do not even want to talk about it.

Mr MARSHALL: I support the amendment to submit the Bill to a referendum. The minister's explanatory notes stated that the Act will come into operation on a day fixed by proclamation. I found that dictatorial, and the rest of the Bill inadequate. I am surprised that a Government that campaigned on the basis that it would listen to the people of Western Australia has been so bold in this instance as to take the people of Western Australia for granted. The Government has moved with such haste on this legislation that I must agree with the member for Kalgoorlie: something smells. When the Government is so anxious to pass legislation without having had time to listen to the people of Western Australia - words the Government quotes all the time - I too start to think that something is not right. During debate we were told that a referendum was out of the question and the people would not be involved. As a representative of a country electorate I know that country Western Australia will suffer if legislation is passed so that eight country seats are lost to the metropolitan area without a valid reason. Why is the Government changing a winning game? Our voting system over the past 20 years or more has been the winning way. Anyone who has played sport knows that one should not change a winning

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game. The member for Albany will back me up on that. Everything is going well. Governments come and go, but why must a new Government hasten to change a winning game? Is there pork-barrelling going on under the table? Does something smell, as the member for Kalgoorlie said?

I listen to the people of Western Australia. I have been a Western Australian for longer than most. People in the metropolitan area do not give a damn. They are happy with the electoral boundaries. People in the country are aghast that a Government of six months could move overnight to implement its preconceived plan to change the history of Western Australia without listening to the people - suddenly members opposite are dictators. The people of Western Australia do not like it. I too become a little cautious and anxious when all of a sudden the people's voice cannot be heard. A referendum is being pushed under the carpet.

Mrs Roberts interjected.

Mr MARSHALL: The Minister for Police who is looking after the frontbench for the Government at the moment is jumping up and interjecting into the ears of the minister at the Table. The minister is a bookworm and has not experienced what life is all about and has not been listening to the people of Western Australia. I support this amendment to the hilt. If the Government wants to succeed it must listen. The people did not vote the Government in with a mandate to do what it pleased. Members opposite did not mention one vote, one value prior to the election. The people of Western Australia want to be heard. The amendment that has been moved by the member for South Perth to allow a referendum is a wonderful idea and should be passed.

Mr BARRON-SULLIVAN: I am indebted to the member for South Perth; it proves that there is no substitute for experience. We have now found a sensible way to talk about the substance of the matter instead of spending all this time talking about gobbledegook and technicalities, which is what the Government wants to do to try to prevent debate in this Bill.

I will carry on with the questions that I was asking, because this is the stage in which members can ask questions of the minister at the Table in order to get some straight answers and factual information about the provisions of the Bill. The minister can respond by way of interjection or when I have made my point. It was subsequent to the Greens (WA) saying that members in regional and remote areas should be given additional resources that the Government made some firm noises about this. We have heard the Attorney General say a number of times that it is not only a matter of having members of Parliament to cover the turf, but also of providing adequate resources so they can do their job properly. On Thursday members of Parliament were awarded a pay rise by the Salaries and Allowances Tribunal.

This is interesting. I have started asking questions and the Minister for Electoral Affairs comes out to the Table.

The latest determination of the Salaries and Allowances Tribunal increased the member for Wanneroo's electoral allowance by \$10 000 because her electorate is now more than 40 per cent over quota. The Salaries and Allowances Tribunal acknowledged that additional money is needed to employ part-time researchers and electorate officers and to spend more money on servicing the needs of the electorate in one way or another.

The Government has made some positive noises about this legislation. I want to know what the Government has provided for. Has the Electoral Commissioner provided a report to the Minister for Electoral Affairs on this matter, making recommendations about the resources that need to be improved once this legislation is put in place? What dollars are we looking at, and are those dollars budgeted for in the forthcoming budget? That is very important, because the Government is proposing the most significant changes to the electoral system since 1904. Those changes will create an electorate for the member for Ningaloo in the Gascoyne area that will be bigger than just about any electorate in the world, I suggest, apart from the electorate of Kalgoorlie. The Government has acknowledged that there is a good argument to support the provision of additional resources. Surely the Government would not go down the path of making massive changes and huge differences to the size of electorates in country Western Australia without thinking through every step. Part of that change is to say that if the member for Ningaloo were to end up representing the electorate of Gascoyne, he would need an increase in his charter allowance, better suspension for his four-wheel drive -

Mr Sweetman: A jet!

Mr BARRON-SULLIVAN: A jet, maybe! I do not think there would be any airports at which he could land a Lear Jet!

Mr Sweetman: I have always wanted to say, "Get my jet ready!"

Mr BARRON-SULLIVAN: The member is more likely to get a camel! If the Government were dinkum about making this new system work and helping the members for Pilbara, Ningaloo, Kalgoorlie and Kimberley

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represent those massive areas, it would have a plan ready to roll. The minister has indicated that he wants to rush this Bill through as quickly as possible; we cannot send it to a committee, and we cannot have a referendum before it is proclaimed. The minister has indicated also that he would like the boundaries to be drawn up by July or August next year. Therefore, it would make sense for the Government to have an idea of what additional resources it will budget for. Has the Electoral Commissioner done a report on this matter? If not, how else has the Government assessed the need for additional resources? What dollars are involved, and have those dollars been budgeted for? What does the minister genuinely think is needed to provide additional assistance for those members who will have large electorates? A while ago I was in Lake Grace with the Leader of the Opposition, the member for Roe and other members. I take off my hat to any member who represents an electorate the size of Roe. The area that the member for Ningaloo will have to cover under this legislation is mind-boggling. We have not heard many specifics from the minister. The minister will probably accuse us of talking a load of rhetoric. That is not what we have been on about tonight. Now is the minister's opportunity. What will the minister do to help make these large electorates manageable?

Mr MCGINTY: The Electoral Commission has not been asked for a report on additional resources, and it is not appropriate that that be done. It is not the responsibility of the Electoral Commission to deal with matters of that nature. The Government has not proposed that any specific resources be allocated. There has been no proposal for cost and whether it has been budgeted for; therefore, no budget provision has been made.

Mr BARRON-SULLIVAN: The Government is proposing to change completely the nature of country representation in this State. For most of the debate tonight, the minister has sat at the Table, where ministers normally sit, without an adviser. I raised this matter earlier, because I have been in this Chamber only a short time, but I do not think I have ever seen a minister sit at the Table without an adviser. I accept that the minister has said he is fully versed on this legislation, and I have no doubt that the minister has a good knowledge of this area. However, we are seeing now the Government's commitment to genuine and fair representation for country areas. The Government is proposing to create massive electorates in the mining and pastoral area, and extend the agricultural districts to the extent that one or perhaps two will fit in under the Government's remote area vote-weighting formula and require dummy voters; in other words, they will extend over the 1 000 square kilometre mark. The Government should also, in fairness, think about how it can assist members to represent those areas.

We need to bear in mind that it will be very difficult for members on this side to win any seats in the mining and pastoral area. It will be very difficult for the member for Ningaloo to win the seat of Gascoyne, and for the member for Kalgoorlie to win the seat of the Goldfields, or whatever it will be called. I have enormous confidence that those members will win those seats, because they are the sorts of characters who are suited to those electorates and have shown that they are prepared to work hard in those areas. Even the member for Pilbara, who had a strong swing in his direction at the last election, has the right to know what resources he would be provided with if his electorate were to be doubled in size. If the Government were serious about providing so-called one vote, one value and all these other things and also about maintaining adequate, fair, decent and workable representation in country areas, it would have thought through to the next step. It would have said, "One of the big problems for the member for Gascoyne will be getting around an electorate that large, so we will buy him a turbo-charged bat mobile, or camel. The member for Pilbara will have problems because he will need to fly around a bit more, so we will give him some extra charter allowance." I do not know the specifics, but surely the Government should have commissioned someone to look at these matters. I asked whether the Electoral Commissioner has done such a report. I do not know whether the Electoral Commissioner is the appropriate person to do it.

Mr McGinty: He is not.

Mr BARRON-SULLIVAN: I possibly agree with the minister, but someone has to do it, and that report should be done at the same time as this legislation is going through the House so that the Government can also say what it intends to do to make sure that the member for Roe will have half a chance of getting around his electorate and representing it properly. I suggest an extra electorate office may be appropriate so that the member for Roe can cover both ends of his electorate. One of the main things the member for Ningaloo needs is a substantial increase in his charter allowance. Those things are directly related to the representation of these electorates; however, no allowance has been made for them in this legislation or in the budget. I realise that we are talking about the future and that this sort of provision will not be required until the next election, but the Government should have some idea by now of what it will cost. Members can call me cynical if they want, but the bottom line is I do not think the Government has any intention of putting one dollar towards additional resources for these seats. The simple reason is that if this legislation comes through, the Government will not need to win any

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of these seats. It thinks it will win the Kimberley and the Gascoyne. It thinks it will manage to rort the system enough that it will pick up the Goldfields, and it might even hook the seat of the member for Pilbara. It thinks that by rorting the system sufficiently, it can assume that these seats will fall its way. However, it will take those seats for granted and will not give the members in those areas the ability to represent those seats properly. That has come out in this debate and the proposed amendment. This amendment is not intended to be a delaying mechanism. It is all about asking the Government to please do the right thing and make sure that country people are given a fair go and get good representation from their local members.

Mr BIRNEY: Proposed subclause (3) of the amendment moved by the member for South Perth states -

This Act shall not come into operation unless the second and third readings of the Bill for this Act shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

If the Government had any ounce of respect for our electoral system, and indeed even our Constitution, it would accept at the very least that proposed subclause. That goes to the point I made earlier; namely, why has the minister decided to completely repeal one Bill and just about whack the whole of that Bill into another Bill, and then amend the Electoral Act 1907?

The answer of course is that he is trying to rort the system. Some people may even say that what the Minister for Electoral Affairs is seeking to do is perhaps even a little corrupt. If nothing else, it is certainly not in keeping with the spirit of this Parliament; it is certainly not in keeping with the spirit of our electoral system or, for that matter, our Constitution. If the Minister for Electoral Affairs is serious about the processes of this Parliament - I assume that he is - I urge him to ensure that this Bill does not pass through the Legislative Council without an absolute majority. That is the fair, reasonable and noble position for the Government to take.

Mr BARRON-SULLIVAN: I have addressed subclause (4) of the amendment, but I have not spoken to the main part of the amendment relating to the referendum. The member for South Perth beat me to the punch. Again, I point out to the minister and to the Government that there is nothing untoward about this proposal. Apart from the fact that we are dealing with the most significant changes to the electoral system in this State since 1904, there is a mechanism in place for the holding of referendums in this State. The member for South Perth pointed out quite correctly that it was a Labor Government that brought it in, and it is the document in my hand called the Referendums Act. It is very simple. It sets out quite simply how to hold a referendum and so on. It even sets out the way a question can be framed. The question in this case could be very simple. There might be two questions: one to do with this Bill and one to do with the other Bill. If members are interested, they should look at section 15 of the Referendums Act 1983. It is a nice, neat, little piece of legislation. It would be a very easy matter for the Government to put into train the holding of a referendum in this State.

This Chamber has heard a number of times the reasons that a referendum is appropriate. At this stage, we on this side of the House would rather this legislation went straight in the rubbish bin. However, we are saying in sincerity that if the legislation ends up being rammed through the Parliament, the Government should have the decency to go out to the people and give them the final say. I do not say that because that is what we want or because that is what we think the people want. Let us go back to what the Government said about this matter when in opposition. The Government said two key things about one vote, one value as it calls it. The first thing it said was let us put it in the Constitution; let us take this principle and embed it the State's constitutional legislation. The second thing it said was that once the Constitution is changed like that, we should go out to the people and hold a referendum. In fact, the Commission on Government made it clear that that is the process that should be followed. The minister, who was the Leader of the Opposition at the time, supported the first round of recommendations by the Commission on Government. The current Premier took over as Leader of the Opposition and then committed his party, if it won government, to carrying out the recommendations put forward by the Commission on Government. He has never rescinded that commitment; he has never qualified that commitment. It is important to look not just at the commitments, but at the statements made by the Premier in the past. In one particular submission to the Commission on Government, the Premier made it very clear that he believed that when the Constitution is changed, any changes like that should go to the people. In fact, in 1980 the minister indicated that, in principle, it was wrong if the Government of the day put forward entrenchment provisions by legislation without going to the people first. Most of the academics and others who made submissions to the Commission on Government said the same thing. They said that such an entrenchment provision for a referendum should not be made unless that provision or suggestion is put to the people.

It is interesting that in 1995 the Premier said that one vote, one value, and things like the variance and so on, should be put in the Constitution. Then he said -

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... if that's to happen, I think the document -

That is, the Constitution -

ought to be confirmed by the people too. I'm not keen on this notion that the parliament can introduce restrictions on the ability to change the constitution but not put those very restrictions to the people themselves, and that has happened in our past.

He was saying that when something is put in the Constitution, the people must be given a say. Previously the Labor Party has said that the fundamental change that we are dealing with in this legislation should be put into the Constitution, not dealt with in some flimsy little piece of legislation before the House. All we are saying is that the Government live up to its word. It has said that it is happy to have a referendum on one vote, one value. It has not said that it will do it by legislation, but that it will put it in the Constitution and have a referendum. All we are saying is that it live up to its word.

Mr TRENORDEN: Despite the few words said earlier, the National Party has not had a lot to say about the referendum debate. I know the minister is signing letters -

Mr McGinty: No, I am not.

Mr TRENORDEN: I make the point that in the two previous debates, the National Party members spoke on the referendum for a total of five minutes if my memory is correct.

Mr Barron-Sullivan: It was gagged.

Mr TRENORDEN: That is right. It was gagged before I had an opportunity to speak. On the previous occasion it was a Liberal Party motion and the Liberal Party led the debate. I am not arguing about that; it is just a statement of fact. We have not had much say on the referendum issue. I take this opportunity to put our position clearly to the House. Our view was that a referendum was not necessary because we are happy with the current system. We would be happy for this Bill to vanish into the wilderness and for no more to be said. However, that not being the reality, we would accept a referendum as a second option. We would prefer a situation in which the people have a say on such a substantial Bill, particularly when people are coming into our offices in high numbers and are demanding that their voice be heard. Of course, the situation is that their voice is heard through me or the members on my right. The Government brings it to this place where we do not have the numbers to resist what the people think will be resisted. The point that is regularly made to me is that this will not go through the upper House because it is not the right thing to do. Of course, we do not have the numbers to stop that. Therefore, I wanted to ensure that the debate did not go a great deal further without saying that we are not primarily in support of a referendum because we are happy with the status quo.

Amendment put and a division taken with the following result -

Ayes (17)

Mr Ainsworth	Mrs Edwardes	Mr Sullivan	Dr Woollard
Mr Barnett	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)
Mr Birney	Mr Marshall	Mr Trenorden	
Mr Cowan	Mr Masters	Mr Waldron	
Mr Day	Mr Pandal	Ms Sue Walker	

Extract from Hansard
[ASSEMBLY - Tuesday, 28 August 2001]
p3102b-3170a

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Noes (32)

Mr Andrews	Mr Graham	Mr McGinty	Mr Quigley
Mr Bowler	Ms Guise	Mr McGowan	Ms Radisich
Mr Brown	Mr Hill	Ms McHale	Mr Ripper
Mr Carpenter	Mr Hyde	Mr McRae	Mrs Roberts
Dr Constable	Mr Kobelke	Mr Marlborough	Mr Templeman
Mr Dean	Mr Kucera	Ms Martin	Mr Watson
Mr D'Orazio	Mr Logan	Mr Murray	Mr Whitely
Dr Edwards	Ms MacTiernan	Mr O'Gorman	Ms Quirk (<i>Teller</i>)

Pair

Mr House

Dr Gallop

Amendment thus negated.

Clause put and passed.

Clause 3: The Act amended -

Mr BIRNEY: Madam Acting Speaker (Mrs Hodson-Thomas) -

Mr McGinty: You can't have anything to say about this clause, surely. That would be very creative.

Mr BIRNEY: It will be. This clause indicates that the Bill will amend the Electoral Act. I submit to the House that it is not necessarily the case. The Minister for Electoral Affairs said that he intends to repeal the Electoral Distribution Act. However, the Bill presented to the House by the Labor Party contains almost the entire Electoral Distribution Act. When the minister said that he intended to amend the Electoral Act, he took a bit of poetic licence. He does not seek to repeal the Electoral Distribution Act, he seeks to put it holus-bolus into this Bill, apart from a couple of little clauses that refer to one vote, one value. Clause 3 states that the Government intends to amend the Electoral Act. That is not the case. It in fact seeks to do something tricky and a little corrupt because it cannot convince a majority of the members in the Legislative Council to make simple amendments to the Electoral Act.

I can see the Leader of the House and the minister laughing. They do not appear to be laughing any more because they have been caught out. They are not repealing the Electoral Distribution Act. They are simply picking up 98.8 per cent of it and sticking it in the Electoral Amendment Bill. Madam Acting Speaker, that is a corrupt and disgusting move and the people of Western Australia will see it as a tricky move on behalf of the Government.

Mr BARRON-SULLIVAN: Although the minister might have questioned how on earth the Opposition could speak on this clause, the clause goes to the very heart of the Government's approach to this legislation. The member for Kalgoorlie hit a nail on the head. The fact is if the Government wanted to change the electoral system in the way it is doing with this Bill, it did not need to amend the Electoral Act. The Electoral Distribution Act is in place; it could have amended that Act. There are many similarities in the provisions of this Bill and those in the Electoral Distribution Act. As the member for Kalgoorlie said, it is a simple clause and we all know the reason for it: the Government does not have an absolute majority in both Houses of the Parliament and it has therefore come up with this sneaky arrangement to repeal the Electoral Distribution Act and amend the Electoral Act by inserting in it sections that were previously in the Electoral Distribution Act. This clause goes to the heart of the way in which the Government is achieving this arrangement.

A key aspect of the Bill is to divide the State into 57 districts, which is provided for in the Electoral Distribution Act. The provision for a division into 34 metropolitan and 23 country districts will be left out of this Bill obviously because it would not have the so-called one vote, one value arrangement. Another key aspect is to include a prescription for the percentage deviation by which enrolments in each electorate are allowed to vary. As this clause indicates, key aspects of our electoral system that are currently provided for in the Electoral Distribution Act will instead be put into the Electoral Act. A simple reason for that is section 13. This Government is prepared to bypass section 13 of the Electoral Distribution Act, which is an entrenchment process and a very important principle of this Parliament.

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I will go further than the member for Kalgoorlie and say that the Government is blatantly manipulating the parliamentary process for party political gain.

Mr Birney: I said "corrupt".

Mr BARRON-SULLIVAN: Yes, that is a good word.

Mr McGinty: He goes further than you. I think the member for Kalgoorlie is a bit of a wimp.

Mr BARRON-SULLIVAN: I do not think the member for Kalgoorlie could be called a wimp. This is an extremely serious part of the legislation. Although the Opposition does not intend to move any amendments to it, the Opposition is making a point. If the minister believes he can refute what we are saying - we could do with some humour tonight - I would like to know why the Government is not making changes to the Electoral Distribution Act, if not because it does not have a majority in the upper House.

Again I remind the Government that this is not the way the Government said it would change the voting system. As I said, the Premier is on the record as saying it would do certain things. I accept the fact that the Government said it would introduce a Bill to provide one vote, one value; whatever that means. As sure as apples, this legislation is not about one vote, one value. The Premier said that change would be inserted in the Constitution and then there would be a referendum of the people. This change is not being inserted into the Constitution and it is not being taken to the people; it will change the law, but the Government does not have a mandate for that. The Government is ignoring the fact that it does not have a mandate. It is not going to the people of Western Australia in a referendum to get a mandate and it is ignoring the fact that it has a firm commitment to include these changes in the Electoral Act, and that it does not have an absolute majority in the upper House. It is trying to pull the wool over our eyes. The other day we asked in the Parliament whether the Minister for Electoral Affairs had legal advice about the validity of these changes and his wording was cautious. It was obviously very well chosen because he said he had asked the Solicitor General to advise what was required by law to enact legislation in this regard. That is not exactly a direct answer. As debate proceeds on this matter we will find out more about the Government's real intentions and perhaps learn some interesting facts about the background and the legalities of its actions.

Clause 3 may not look that exciting but it is at the heart of how the Government is abusing the parliamentary process.

Clause put and passed.

New cause 4 -

Mr GRAHAM: I move -

Page 2, after line 6 - To insert the following -

4. Section 4 amended.

Section 4 is amended by inserting in the definition "**political party**" the following -

- (iv) is constitutionally governed by rules which prescribe, in effect, that the supreme governing body (however described) of the Party is elected on the basis of one member, one vote, one value.

The ACTING SPEAKER (Mrs Hodson-Thomas): Has the member for Pilbara read that out in full? It is not on the Notice Paper.

Mr GRAHAM: Yes, and I understand it has been circulated. In moving for this electoral reform Bill, as the Labor Party calls it, the Labor Party said that this is a fundamental tenet of ALP policy. It is a basic principle that this State will be better off if it is applied through our political process. I have sat back, sometimes quietly, and listened with great interest to the Minister for Electoral Affairs as he has made his very eloquent speeches, particularly his rather statesmanlike second reading speech in which he spent considerable time praising people for the notion of selflessness and for putting principle ahead of self-interest. I was impressed with his erudite performance.

Mr McGinty: If you were still in the party I would have said it about you, too.

Mr GRAHAM: It impressed on me the need to take him at his word and include the system of one vote, one value through the political processes. That is what he is seeking to impose on country people in Western Australia. The electoral process starts with the selection of candidates for each electoral district by political

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parties and by other members. Over the past decade I have listened to people in this House argue many times that if the process is corrupt, the outcome is also corrupt. I listened to that with interest when my old colleagues talked about the Wanneroo royal commission and how the outcome had to be corrupt because the process was corrupt. The position I put is not novel; it is in line with the intent of the legislation that the Minister for Electoral Affairs and the Government have put forward. It is not devoid of support because the leader of the Labor Party agrees with my position, as he indicated when he came back from the United Kingdom in 1999.

Mr Pental: Within the Labor Party?

Mr GRAHAM: Yes. He used words to the effect that we needed reform of the preselection process in the Labor Party. I think he was referring to preselection for the seat of Ballajura and subsequently the seat of Kimberley and how the processes were corrupt inside the Labor Party and needed to be reformed. He undertook at the state conference to deal with it and introduce voting systems that gave members of the party more say than they had ever had before. That has not happened. This is not to single out the Labor Party. One Nation also operates on the basis of a series of \$2-front companies. A series of allegations, investigations and court cases have been held into how One Nation conducts itself.

Where and why do I want to pursue this? It is simple: the minister has assured us that we are about a fair process. We must ensure that at each stage of this process we get it right. That is not the case now. The federal leader of the Labor Party, Hon Kim Beazley, also agrees with my position.

Acting Speaker's Ruling

The ACTING SPEAKER (Mrs Hodson-Thomas): I have listened and considered the amendment moved by the member for Pilbara and make the following ruling, which has been considered by the Speaker of the House -

The member for Pilbara has proposed three amendments that relate to the supreme governing bodies for political parties. Those amendments circulated by the member for Pilbara are contained in his proposed new clauses 4 and 5 of the Bill. Under the standing orders, specifically Standing Order No 177(1), any amendment may be moved during consideration in detail and to any part of a Bill provided it is within the subject matter of the Bill or pursuant to a motion on notice to extend the scope of the Bill. Determination of the scope of a Bill is a question for the Chair to decide on a case-by-case basis. Just because a Bill amends part of an Act that does not open up the whole of the Act for amendment, unless the proposed amendments are directly relevant to the matters being addressed by the Bill as introduced.

In my view, this legislation is aimed at providing an approximately one vote, one value scheme for electors in Western Australia. It does not direct itself to the way in which political parties are constituted and these amendments are therefore outside the scope of the Bill. I rule the amendments proposed as new clauses 4 and 5, by the member for Pilbara, to be out of order.

I also refer to the proposed amendment by the member for Pilbara to proposed section 16K in clause 4 at page 9, line 5 of the Bill. That proposed amendment deals with the qualifications of candidates for the Mining and Pastoral Region. This does not fall within the scope of the Bill as referred to earlier and I also rule that amendment out of order.

Points of Order

Mr GRAHAM: I am in a somewhat difficult position now because, unlike other players in this debate, I circulated my amendments prior to speaking to them. I now have a ruling from the Speaker that rules those circulated amendments out of order. I am not able to canvass the Speaker's ruling because standing orders prohibit it, other than that I may move dissent from the Speaker's ruling. That is an extreme step that members of this House take as one of last resort.

I have great difficulty with the Speaker's ruling. I do not know what options are open to me, other than to ask that we meet behind the Chair with the Speaker to discuss his ruling because I disagree with it. I ask that while you, Madam Acting Speaker (Mrs Hodson-Thomas), are in the Chair I resume my seat on the point of order, and immediately seek the call again in the general debate to move the required motions that the Speaker has asked that I move.

The ACTING SPEAKER (Mrs Hodson-Thomas): There is no point of order. However, if the member for Pilbara would like to take the matter up behind the Chair, he may do so. The question before us is that clause 4 stand as printed. The Deputy Leader of the National Party.

Mr TRENORDEN: I am also a little perplexed by the ruling of the Speaker.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr KOBELKE: It seems that the Leader of the National Party is taking a point of order. I wish to have the position clarified. If he is taking a point of order, I am sure he would not be doing it to canvass the ruling you have given, Madam Acting Speaker. The clock was running as though he was speaking to clause 4.

Mr TRENORDEN: I was taking a point of order.

Mr KOBELKE: I wanted to make clear whether he was talking to the clause or a point of order.

The ACTING SPEAKER: I am sure that it was my fault, given that I had not acknowledged the Leader of the National Party correctly and called him deputy leader.

Mr TRENORDEN: I am very unclear about the background of the ruling. The ruling of the Speaker is the ruling of the Speaker. I accept that, but I tried to listen to what you read out, Madam Acting Speaker, and I did not grasp the foundation of the decision. There seems to be very little difference between coming to this place through preselection or election. I cannot see any difference in the process. There was some noise around me and I did not hear all that you read out, but I am very confused about how the Speaker arrived at the decision.

The ACTING SPEAKER: The member for Pilbara's amendments do not refer specifically to the scope of the Bill, but address entirely different issues outside the Bill and relate specifically to political parties and the qualifications of candidates for the Mining and Pastoral Region.

Mr GRAHAM: I do apologise for being difficult, Madam Acting Speaker. You may well have ruled that there is no point of order. However, I reiterate the point that the ruling of the Speaker is not able to be canvassed.

The ACTING SPEAKER: That is correct.

Mr GRAHAM: I am not seeking to do that. The Bill before us, as I attempted to explain, is about the electoral processes and the application of one vote, one value. The Bill seeks to provide that the vote of every person in that electoral process is equal. I fail to see how my amendments, which are about making people's votes equal at every step of the process, are outside the ambit of the Bill. I will move, Madam Acting Speaker, that you do leave the Chair until the ringing of the bells. It would give you and I some time to meet the Speaker. Had I not circulated my amendments, the Speaker would not have been in a position to make the ruling, and the ruling would have had to be carried by a motion from someone that the amendments were out of order, which in turn would have given me the opportunity to argue my case. I need to be able to argue my case because if this point in the debate is passed without my being able to pursue my case, I cannot come back to it at a later date. I move -

That you, Madam Acting Speaker (Mrs Hodson-Thomas), do leave the Chair and return at the ringing of the bells.

This will enable you, Madam Acting Speaker, the Speaker and I to perhaps find an honourable way out of this.

Mr KOBELKE: I have some sympathy with the position of the member for Pilbara who has done the right thing and circulated amendments, which I had not seen but which I had discussed with him privately. It is not open to the member for Pilbara or any other member to canvass a ruling that has been given. The member is coming very close to canvassing that ruling. Furthermore, it is not open to a member to move that the Acting Speaker vacate the Chair and take certain actions. Therefore, I do not believe the member can move his amendments at this stage, but under standing orders at a later stage he can move that the Bill be recommitted.

Mr Graham: You could move for the suspension of so much of standing orders as would allow the debate to occur.

Mr KOBELKE: I take the interjection from the member for Pilbara, which is perhaps not appropriate during a point of order. The point is that having listened to the determination given by Madam Acting Speaker, which I found quite convincing, I believe standing orders should be upheld. Although from time to time we have difficulty with them and we argue over the application of them, the issue of the scope of a Bill is important. If the proceedings of this House are to progress in a positive way, the standing orders need to be upheld. A key element, as Madam Acting Speaker has already indicated, is that amendments need to be within the scope of the Bill. I took a point of order earlier on a similar matter and the determination went against me. I accept that, but I will continue to raise these matters when I think it appropriate that amendments be in accordance with standing orders. The standing orders to which I am referring provide that an amendment must be within the scope of the Bill. A determination has been made that the amendments foreshadowed by the member for Pilbara do not fall within the scope of the Bill; therefore, the matter is not open to debate at the current time. The only option that I

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can suggest to the member for Pilbara, and perhaps it is a forlorn one, is to recast his amendments in the hope that he can move for recommittal at a later stage. In that way we can potentially deal with them at a later time.

The ACTING SPEAKER (Mrs Hodson-Thomas): I will leave the Chair, and in a show of goodwill I invite the member for Pilbara, the Leader of the House and the Leader of the Opposition or his nominee to meet behind the Chair until the ringing of the bells.

Sitting suspended from 9.10 to 9.33 pm

The SPEAKER: After some discussion, the ruling made stands. The member for Pilbara will no doubt take the appropriate action on moving a motion tomorrow. The question is that clause 4 stand as printed.

Debate Resumed

Clause 4: Part IIA inserted -

Mr TRENORDEN: I move -

That each proposed section within each proposed division of clause 4 of the Bill be dealt with as a separate question.

This is the same motion as moved by the Minister for Planning and Infrastructure last week in dealing with clause 11 of another Bill. If we do not do this, members could illogically jump across the proposed sections and speak on proposed sections 16A and 16L, and so forth. This motion will enable a logical progression through the amendments.

Mr KOBELKE: The Government will not accept the motion. The situation last week with debate on the Planning Appeals Amendment Bill, which went on for a couple of weeks, was that the minister saw that productive amendments could be made and was open to those amendments. Therefore, doing that in a serial way was seen to be conducive to improving the Bill. The Minister for Electoral Affairs has bent over backwards to try to get accommodation from various groups to see whether amendments could be made that would get more people on board. However, we have found that those people who are opposed to the Bill are still implacably opposed to the Bill. We have had an inordinate wasting of time and repetitious comments on the Bill, and this is seen as just another delaying tactic to stop the Bill being debated fully and properly. Clause 4 is the important one. We started this debate at 2.30 pm today. It is now 9.30 pm and we have had delaying tactics throughout that time. Clause 4 contains a number of parts that are important and go to the new provisions that will govern the electoral redistribution. It is appropriate that we move on with the debate. That debate can be held in a very constructive way. Those who are totally opposed can use many opportunities to delay debate, as I am sure they will continue to do. However, it is not seen to be a constructive endeavour by people to progress and improve the Bill. On that basis, we do not accept the motion moved by the Leader of the National Party.

Mr BARRON-SULLIVAN: The Liberal Party strongly supports this motion. The Leader of the National Party and I have met to discuss a number of amendments and so on. We are very like-minded in a number of respects. In some cases we virtually have been flipping a coin to see who will move the amendments. In this case, when we discussed this provision, there was absolutely no discussion whatsoever about delaying the Bill.

Mr McGinty: We have been going since 2.30 pm today and we have not even got to the substance of the Bill.

Mr BARRON-SULLIVAN: I cannot believe this! These are the most important changes to our electoral system since 1904 and members opposite are saying that we are delaying it. We have not even had one day's debate on it yet. A couple of decades ago there were 29 continuous hours of debate on a particular legislative clause that was not as important as this. The point I am making to the Leader of the House and to government members is that by taking this clause proposed section by proposed section, we could streamline the consideration of the Bill. Members on this side have a ream of amendments to make to clause 4. We now run the risk of hopping all over the place, particularly when there are amendments from the Independent member for Pilbara and the Leader of the National Party, and that could delay things. It is clear that the numbers will go against us. We were doing this to get a nice, orderly, sequential treatment of this part of the Bill. The cynicism of government members about our intentions is mind-boggling.

Question put and a division taken with the following result -

Extract from Hansard
[ASSEMBLY - Tuesday, 28 August 2001]
p3102b-3170a

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Ayes (20)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Trenorden
Mr Barnett	Mrs Edwardes	Mr Masters	Mr Waldron
Mr Birney	Mr Graham	Mr Pandal	Ms Sue Walker
Dr Constable	Mrs Hodson-Thomas	Mr Sullivan	Dr Woollard
Mr Cowan	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)

Noes (30)

Mr Andrews	Mr Hill	Ms McHale	Mr Ripper
Mr Bowler	Mr Hyde	Mr McRae	Mrs Roberts
Mr Brown	Mr Kobelke	Mr Marlborough	Mr Templeman
Mr Carpenter	Mr Kucera	Ms Martin	Mr Watson
Mr Dean	Mr Logan	Mr Murray	Mr Whitely
Mr D'Orazio	Ms MacTiernan	Mr O'Gorman	Ms Quirk (<i>Teller</i>)
Dr Edwards	Mr McGinty	Mr Quigley	
Ms Guise	Mr McGowan	Ms Radisich	

Pair

Mr House

Dr Gallop

Question thus negated.

Mr BIRNEY: I move -

Page 2, lines 14 and 15 - To delete the lines and substitute the following -

“average district enrolment” means -

- (a) in respect of the Metropolitan Area, the number of enrolled electors comprised in the Metropolitan Area divided by 34; and
- (b) in respect of the remainder of the State, the number of enrolled electors in the remainder of the State divided by 23;

I move this amendment which for a very good reason knocks out the words -

“average district enrolment” means the total number of electors in the State divided by 57;

That good reason is if the number of electors in the State were divided by 57, a heap of country seats would be wiped out and transferred to the city. This amendment is about the one vote, one value clause. I am sure members would be happy to discuss the merits or otherwise of the one vote, one value system. In the limited time that I have left, I shall bring to the House's attention the International Covenant on Civil and Political Rights. There are some interesting parts to that covenant, to which Australia is a party. More specifically, article 25 states that every citizen shall have the right without unreasonable restrictions to have equal access, on general terms of equality, to public service in his country. To allow clause 4 to stand as printed may well breach the covenant, to which, as I said, Australia is a party. Another article of the covenant obligates the Government to guarantee the right of everyone to equality before the law in the enjoyment of, inter alia, political rights, in particular the right to have equal access to public service. If we allow this clause to stand as printed, we will be breaching the covenant.

I refer members also to an opinion issued by Professor Philip Alston, the former director of the Centre for International and Public Law at the Australian National University, who had a lot to do with the electoral and administrative review conducted in Queensland some years ago. Professor Alston said that throughout the process of making binding decisions, citizens should have an adequate and equal opportunity for expressing their preferences on the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another. Again, that fairly learned gentleman, Professor Philip Alston, is of the opinion that a one vote, one value system in Western Australia would disfranchise many citizens in Western Australia.

The French and United Kingdom representatives to the International Covenant on Civil and Political Rights rejected the principle that all votes should have the same weight on the ground that such a principle would

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pendal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

condemn territorial constituencies. A firm analogy could be drawn between what the French and UK representatives call their territorial constituencies and what we in Western Australia call country electorates, certainly in regional and rural Western Australia.

Mr JOHNSON: Some of the points put forward by the member for Kalgoorlie on this clause are of extreme importance to this Parliament and I would like to hear more of what he has to say.

Mr BIRNEY: I thank the member for Hillarys. I am glad that somebody found those few words to be of benefit.

In all seriousness, the International Covenant on Civil and Political Rights is a treaty to which Australia saw fit to become a party. Australia does not undertake lightly to become a party to international treaties and covenants. When the representatives at these negotiations rejected the principle that all votes should have the same weight on the ground that such a principle would condemn territorial constituencies, their words clearly spoke for themselves.

Given that we are debating the issue of one vote, one value, a number of things must be considered when we consider abolishing country vote weighting. Members before me put a good case for access to their member, which goes right to the heart of the International Covenant on Civil and Political Rights. When a one vote, one value system has been introduced -

Several members interjected.

Mr BIRNEY: I cannot hear the interjections from the goon gallery. I am sure they were not clever because I do not believe that between the lot of them they could muster up enough brain power to even pass wind! However, I am sure they will continue to interject and amuse themselves.

One matter I raised in my contribution to the second reading debate related to the ability of constituents to have representation by government departments and mid-level bureaucracy. Members, particularly country members, would be aware that many government departments have no offices in country electorates. What do constituents do in those electorates in the absence of perhaps a Department of Land Administration office, a Homeswest office or many other government departments that do not see the need to be represented in country areas? I shall tell members what they do. They visit their member of Parliament.

Their member of Parliament then represents their views to the relevant government departments. If we reduce the number of members of Parliament in country areas, we will significantly reduce the access our country constituency has to the bureaucracy and to the Government. In fact, a policy of abolishing country vote weighting would not be in the best interests of those constituents. Facilities and money and the like are allocated to country areas on the basis of their representation and on the basis of representation of some city areas according to their member of Parliament sitting right here in this Chamber. When we start plucking them from country areas and putting them into city areas, clearly we reduce the opportunity for money and facilities to be allocated to country areas.

I am sure other people are interested in speaking to my amendment, which I commend to the House.

Mr BARRON-SULLIVAN: This is what we could call the one vote, one value clause. These two lines will determine whether we change the electoral system in the way the Labor Party wants it changed. We could refer to this clause as the demise of country vote weighting clause or as the evil clause. That is what the Labor member for Gascoyne, the former Labor Leader of the Opposition, said about the principle of one vote, one value when this matter was debated in 1947. I referred to that in my speech during the second reading debate.

The minister and the Labor Party continue to claim the moral high ground on this issue when the Labor Party has been consistently responsible for a series of proposed gerrymanders to suit its political end. Tonight, through this amendment if it is carried, we will see the demise of country vote weighting as we know it in this lower House. We will see the beginning of blatant gerrymandering and blatant vote rigging and a power grab. The member for Perth may think it is fair to create a system in which one electorate has 12 500 electors and another has 22 000, which is precisely what this legislation provides for but on a discriminatory basis. It does not provide for vote weighting for people in the agricultural region; it provides for it only in regions where the Labor Party stands to make significant gains.

I will make a comment that I have not made before because any political party - I am sure the National and Labor Parties, and perhaps the Independents, have done this - would ask what will be the impact of this legislation in political terms? We have discussed what it will do to this Chamber and that it will gut country representation by reducing it in the Legislative Assembly from 40 per cent to 26 per cent. We have discussed the fact that the whole of the wheatbelt will end up with just three members out of 57. However, what does it mean

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for political representation? If we model this legislation and take a moderate outcome - not a conservative or radical outcome - and take into account all the permutations that are possible, what will be a realistic outcome? The conservative side of politics needs six seats to win government now. However, if I were to tell members that the modelling on that showed that the conservative side of government would need an extra five to six seats to win government, members would get an idea of what this legislation is all about. I would be interested to know whether, through the Labor Party, the minister has done any modelling or can refute those figures.

The bottom line is that is what this legislation is all about. If the Labor Party is six seats away from losing government, what can it do to try to stretch out the odds? It can whack in some rorting legislation as a big power grab of another five or six seats. The member for Bunbury's support of this has nothing to do with principle. In his speech the other day, not one word was spoken of how it would benefit the electors of Bunbury. However, he hopes the areas in my electorate, which contain predominantly Labor voters, will move into Bunbury and he will have an easy time. The member for Mandurah will be looking at the map and wondering what the legislation will mean for him. He may end up in a metropolitan seat but he will not lose out of this, and the Labor Party will gain five or six seats. That is what this clause is about. It is the Labor Party power grab clause. It is the key to this legislation. Other clauses work in with it, but the crux of the matter is in this clause, which is to get rid of the division between the metropolitan and country areas; that is, get rid of two magical numbers: 34 and 23. Members opposite have gone very quiet. They know it. They have been wondering what it means for their seats, but at the end of the day this Bill is about political rorting.

Mr GRAHAM: I will not vote for this amendment. I do not disagree with the sentiments expressed, although I may disagree with the rhetoric. Western Australia does not have a gerrymandered system. No serious person who has studied our electoral history could claim that we have a gerrymandered system. It concerns me that sometimes in politics people start to believe some of their own rhetoric.

Mrs Roberts: Not that you have ever been guilty of that!

Mr GRAHAM: Never. The other matter that is of some concern to me is talk of the Labor and Liberal Parties fixing boundaries. I remind members that they do not. The Electoral Commission sets the boundaries. However, Parliament writes an Act that provides the instructions to the Electoral Commission on how to set those boundaries. That is the debate that is worth having and that is the debate that requires some substance.

The second group of reasons that I will not support this amendment is that I have on the Notice Paper an amendment to move later that will relate to some of the points the Minister for Electoral Affairs has made. Assuming someone in the House may agree with an amendment of mine, I give notice that if I were successful with what I am seeking to do, I would need to revisit this part of the Bill because consequential amendments would be required.

The proposal of the Minister for Electoral Affairs will remove eight seats from country Western Australia and transfer them to the city. There is no debate about that; he said that in his second reading speech. The amendments I put on the Notice Paper will abolish those eight seats and reduce the number of seats in the Legislative Assembly. I will give my reasons later.

If my amendment were passed - one never knows - the average district enrolment would become the total number of electors divided by 49. If the member for Kalgoorlie were successful with his amendment, the corresponding metropolitan and state numbers would be reduced by the proportional amount I am talking about.

Mr BARRON-SULLIVAN: I will continue my remarks on this clause by highlighting the way in which this change is being made. This is the so-called one vote, one value clause. I suggest that members opposite get hold of a copy - they are as scarce as hens' teeth - of the fifth report of the Commission on Government. I am the first to accept that the Commission on Government recommended the implementation of the process of one vote, one value. However, the Commission on Government said two key things. First, the provision should be built into the Constitution, not into a flimsy piece of legislation such as this. It said that the Constitution Act 1889 should be amended to require that the Legislative Assembly comprise members directly elected by the people from single-member electoral districts, such districts having equality of enrolments with a 15 per cent permissible deviation.

It also said that one vote, one value should be included in the Constitution. The report has a whole section on entrenchment and explains the importance of entrenchment provisions relating to one vote, one value, and why it should not be done by legislative change. It said that there should be an arrangement similar to that which is currently in the Electoral Distribution Act, whereby an absolute majority is required before the provisions can be changed.

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It went one step further. I will read from page 98 of the fifth report, because the Premier has leaned over and pointed at me, saying that I am wrong on this. If members can interpret the words differently or if they can phone a member of the Commission on Government, as I did, who can determine somehow or other that I am wrong, I would love to know how. I am told that I am right and that I have correctly interpreted what the commission is saying. The words do not lie. It reads -

It is inappropriate for parliamentarians to have the power to amend the State Constitution, without approval by the people. This occurred with the passage of the Acts Amendment (Constitution) Act 1978, which significantly amended s.73 of the Constitution Act 1889. Without any reference to electors, these amendments bound future parliaments to manner and form requirements.

The Minister for Electoral Affairs has said that it was the wrong thing to do and that if we are to amend the Constitution in that way, we should do it and go out to the people once we have done it, and not provide an entrenchment provision that requires a referendum unless we go to the people with a referendum to seek approval for doing it. There is a very strong argument for that. The report continues -

All proposals to amend the Constitution Act 1889 -

That is "all proposals" -

should be referred to the people for approval through a referendum process.

The commissioners go on to write -

Some of our recommendations in Chapter 4 of this Report -

They are the ones that include one vote, one value -

... will require a referendum under s.73 of the Constitution Act 1889.

This provision for one vote, one value does not require that. The report continues -

Whether or not the recommendations require a referendum under the existing State Constitution, they should be submitted to the people in a manner consistent with our general recommendations for constitutional amendment.

The commissioners were saying that we should put this into the Constitution and go to the people to seek their approval. We know that the Premier referred to the notion of a referendum by using the word lunacy. Another expression he used was that the suggestion was a joke. The Premier himself endorsed those recommendations. On 18 November 1996, in a totally unqualified way, the Premier said that the Labor Party agreed with those recommendations of the Commission on Government; not only that, he said that when Labor got into government it would bring them into force. We now find that Labor does not have an absolute majority in the upper House. We are confronted with this proposed new section 16A, the so-called one vote, one value provision. This Bill is a flimsy piece of legislation that the Government reckons it can get through both Houses of this Parliament with a simple majority. It flies in the face of what the Commission on Government said. It flies in the face of good, democratic principle, but that will not stop the Government, because it has five or six seats that it wants to pick up, and it sees this as a really easy way of doing so.

Mr TRENORDEN: I agree with the amendment to the clause because it goes back to the position the National Party held at the start of the debate. When the member for Victoria Park was first elected Leader of the Opposition, he made the effort and took the time to visit the United Kingdom and his very good friend the British Prime Minister, Tony Blair. We read in the Press that Dr Gallop was bringing back to this State, and pushing, the policies of New Labour that got it into power. Labor is now in power in this State. One of the interesting matters is that Tony Blair totally supports vote weighting. How is it that this Government is supporting the push of New Labour on most issues, but not on electoral reform?

Mr Johnson: It suits Tony Blair because they have mainly Labour members in Scotland and Wales.

Ms MacTiernan: Your friend the member for Merredin does not like One Nation. Do you like One Nation?

Mr TRENORDEN: I do not like One Nation.

Mr McRae: I will give you an alternative spin on that. The British Parliament is now at the same stage as the Australian Federation was 100 years ago; that is, instead of coming together as separate colonies, they are now re-establishing themselves as a federation. That is where they are going.

Mr Cowan: This has nothing to do with the constituencies of the House of Commons.

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Mr McRae: It has a lot to do with it.

Mr TRENORDEN: That is where the vote weighting is.

The SPEAKER: The interchange between members other than the member standing on his feet may be very interesting, but it is not what we want to hear.

Mr TRENORDEN: I was quite enjoying it. The situation is that Labour holds a whole raft of seats in the United Kingdom. The only other party to hold seats in Scotland is the Scottish National Party.

Ms MacTiernan: This is in the order of "My Father Knew Lloyd George".

Mr TRENORDEN: I am not surprised. I would not be surprised if the member knew Lloyd George.

Ms MacTiernan: The Premier knows Tony Blair!

The SPEAKER: Minister!

Mr TRENORDEN: The whole point of Tony Blair's position was that Labour held seats in Scotland -

Mr Johnson: And Wales.

Mr TRENORDEN: Yes. The result was that Labour proposed a regional Parliament for Scotland and one for Wales.

Mr Hyde: Why do you not tell us what is happening in Australia instead of Europe?

Mr TRENORDEN: I have about 700 nations to go through yet.

Ms MacTiernan: Member for Avon, you do not think that this may have something to do with something more profound and deeply rooted in the history of Scotland, Ireland and England, do you?

Mr TRENORDEN: Wow!

The SPEAKER: This might be very interesting for those who care about what happened in England. The Leader of the National Party should speak to the amendment before the House and not engage in chat around the House.

Mr TRENORDEN: The point is that Premier Gallop learnt how to rig the system. He looked at the process, worked out where he could get the votes and came back and did it. It is interesting that in this debate he had the Minister for Electoral Affairs -

Mr Cowan: To do the Minister for Electoral Affairs justice, he already knew.

Mr TRENORDEN: That could be. No Premier has been absent as much as the current Premier; he never attends this House. At question time he may be here but we never see him sitting in his chair taking an interest in this place.

Ms MacTiernan: It has something to do with the standard of debate from the Opposition.

Mr Hyde: He spoke on the debate earlier; where were you?

Mr TRENORDEN: The Premier was not even here for 10 minutes.

Mr BARRON-SULLIVAN: I reinforce the comments made by the Leader of the National Party. Clause 4 is the crux of the Bill. One government member interjected and asked what had this to do with the United Kingdom. On a number of occasions, government members have said that one vote, one value is found all over the world, but not here. If members want to work out what this clause means, they must look at what is happening overseas. As the Leader of the National Party said, Britain does not have one vote, one value. I would go as far as to say the system makes a deliberate discrimination against English voters as opposed to voters in Wales, Northern Ireland and especially Scotland. The 72 Scottish seats in the House of Commons have an average enrolment of 55 000. When one considers that English seats have an average enrolment of 69 000, one can see that these so-called one vote, one value provisions do not have a lot going for them - 55 000 against 69 000. The Scottish seats are weighted on an average of 20 per cent below English seats, even though the majority of Scottish seats are urban; they are not rural seats, and they are definitely not remote by UK standard. God forbid that the member for Roe could go from one end of his electorate to the other on a motorway.

When we consider the impact of one vote, one value, which is what this clause is about, we must consider the situation in Scotland, where some seats have enrolments well below the average. Let us skip over to the Western Isles seat, which has 21 800 voters. The largest English seat has over 80 000 voters. This legislation recreates

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that example. We will have seats with 24 000 voters and at least one seat with around 12 000 voters; and members opposite call that one vote, one value! I am scratching my head to understand how 12 000 versus 24 000 can remotely be called one vote, one value. We keep hearing about this discrepancy between the number of voters in the seats of Eyre and Wanneroo. The Isle of Wight seat has five times the enrolment of the smallest seat in that country. That is well beyond any difference between Eyre and Wanneroo. Any government member who harps on the UK system - as we have heard - should look at the facts. Maybe that is the sort of one vote, one value that the Labor Party wants. It is happy for Gascoyne to have 12 000 or 12 500 voters and crank the enrolment right up in the western suburbs or in Roe to 24 000. That is the sort of definition of one vote, one value that the Labor Party is happy with, because it will deliver Labor another five or six seats, which is what this Bill is about.

The Premier did not mention it in his speech today, but I am sure he will talk to his mate Tony Blair. I wonder whether Tony Blair's people had something to do with drafting this legislation. In 1999, when Tony Blair created the Scottish Parliament, Scotland should have lost 10 House of Commons seats to be brought back to the national average; that did not happen. It will never happen for the simple reason that Labour holds 56 of the 72 seats in Scotland. That is what this legislation is all about. That is what this so-called one vote, one value clause we are debating now is about. The Labor Party is rorting the mining and pastoral area and is rejigging the figures in other electorates to suit its own electoral needs. In the UK the Labour Party has 90 out of 112 of the combined Scottish and Welsh seats. As I mentioned earlier, the Welsh seats have a weighting as well and, believe it or not, the Labour Party has 34 out of the 40 seats. The poor old Conservative Party has one seat in Scotland and none in Wales.

It must be an international trait of Labor Parties. The Labor Party is great at power grabs; it is good at rigging electoral boundaries for its own good, and then disguising them with a four-inch thick layer of icing on top of the cake, which it tries to say is a matter of principle. This is not about principles; it is about mathematics. This clause will help to deliver to the Labor Party five or six extra seats at the next election. That is the truth of this legislation.

Mr BARNETT: I do not doubt that the Minister for Electoral Affairs has a commitment to one vote, one value as he sees it.

Mr Hyde: You have told us that already.

Mr BARNETT: The member for Perth is probably the most ignorant and ill-informed member of this Parliament.

I do not doubt the Minister for Electoral Affairs' commitment to this legislation. I do not doubt that his political credentials and his public standing depend on his ability to pass this legislation. I have concerns about not only the way in which the Minister for Electoral Affairs - like so many Labor politicians - interprets one vote, one value but also the method that he uses. It is typical of the Labor Party that whatever means can be adopted is justified by the end. The Minister for Electoral Affairs will do anything to achieve the end.

I can respect the Minister for Electoral Affairs' belief in the principle as he sees it - it is his point of view, and I do not have to agree with it. However, I cannot respect the way in which he contrives to get around the parliamentary system to achieve that. The election did not give the Labor Party an absolute majority in both Houses. Labor's way around that was, first, to try to give the President a deliberative vote. That would have been explicit; it would have been open and the community would have condemned it, because it would have been seen as an obvious contrivance. We now see this method of withdrawing and repealing the existing legislation and bringing in a new Bill. As the Deputy Leader of the Opposition says, this is the fundamental clause that creates one vote, one value according to the Minister for Electoral Affairs' view. It is changing our legislative and parliamentary system by stealth. What the Minister for Electoral Affairs is doing is fundamentally dishonest. No matter how much he may be personally committed to his principle of one vote, one value, the method he uses is dishonest. It is deceitful and reflects poorly on him, the office he holds and this Parliament. Is the Minister for Health interjecting?

Hon Bob Kucera: I am listening intently.

Mr BARNETT: I am glad, and I hope the minister does not mislead the House again this week.

What the Minister for Electoral Affairs is doing is not only fundamentally dishonest and deceitful but also intellectually weak. When one believes - as the minister does - in the principle of one vote, one value and brings in this legislation, there is a point at which the argument fails intellectually because of the way in which it is applied. The Minister for Electoral Affairs then goes to this contrivance - as we will see later in this legislation -

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of the so-called dummy voters. It is an intellectual insult to the commonsense of the people of Western Australia that the minister publicly promotes one vote, one value and then invents virtual voters - dummy voters - as a way to placate something.

Ms MacTiernan: It is a mechanism to provide some way for vote sharing.

Mr BARNETT: It is not a mechanism; it is a contrivance. The Government knows that its holy grail of one vote, one value produces an absolutely dysfunctional result, so it throws away not only the integrity of process through this Parliament but also the intellectual rigour of the process.

Ms MacTiernan: It is a question of compromise, of making some adjustment.

Mr BARNETT: It is not a question of compromise; it is a question of principle. The principles relate to one vote, one value as the Labor Party sees it and also to the process through Parliament and to the intellectual rigour of the argument. The Government is being deceitful and dishonest with this process.

Ms MacTiernan: It is not deceitful.

Mr BARNETT: The honest process - and the Government will not have a referendum, and we do not have the numbers to force that -

Mr Kucera: The only dummy in this House is the one that you keep spitting.

Mr BARNETT: The Minister for Health is an absolute giant of an intellect. It is a pity he cannot handle the health portfolio. We do not expect outstanding performance. We just expect a modicum of competence, which the minister does not display. Last week, the minister misled the Parliament, so his standing in this Parliament is very low. The minister's standing in the community, given his inability to handle the health portfolio, is equally low. I respect the fact that the Minister for Electoral Affairs genuinely supports the principle of one vote, one value as he sees it. However, the way in which he seeks to do it is not only deceitful, but also intellectually weak.

Mr TRENORDEN: Vote weighting occurs around the globe, yet the minister and members opposite have said during this debate, and particularly on radio, that Western Australia is the only place in the world in which vote weighting occurs. That is not true.

Mr Barnett: The rigour in their analysis is absolutely lacking.

Mr TRENORDEN: There is no substance to their argument. If members opposite want to debate the issue of changing the electoral system they should do it on substance. The substance just is not there. The only place in which I could find a legitimate argument that one vote, one value exists is the House of Representatives in the United States of America.

Ms MacTiernan: What about the House of Representatives in Australia?

Mr TRENORDEN: Tasmania and the Northern Territory have vote weighting.

Mr McGinty: No they do not. Tell us about it.

Mr TRENORDEN: Yes they do. Tasmania and the Northern Territory are guaranteed two members.

Mr McGinty: Did you say the state Parliament in Tasmania?

Mr TRENORDEN: No. I was referring to the interjection from the Minister for Planning and Infrastructure.

Mr McGinty: Are you talking about the Senate?

Mr TRENORDEN: No. I am talking about the House of Representatives.

Mr Day: Each State is guaranteed five members, and that has been the case since the Federation was formed, so Tasmania has a guaranteed number of members.

Mr TRENORDEN: The argument keeps being thrown up that vote weighting does not exist in the House of Representatives in Australia. It does exist. The Senate is a different argument altogether. It is interesting to look at the operation of the Canadian Senate. The Canadians still have an appointed Senate that mirrors the House of Lords in the United Kingdom. That has been a strong issue in that country for a long time. The Canadians have been debating that issue for as long as I have been interested in politics, and they have yet to resolve it. At least in the Australian context when the Senate was established each State was given an equal number of senators, for the reason that it would be the States' House, which I might add it never is. Members of

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the Senate represent political parties, and let us hope the member for Merredin can make a big change to that when he gets into the Senate. The Senate has never been the States' House. It has always been a parties' House. In fact, the argument with regard to the Senate is a good argument and is very relevant to this debate, because the smaller parties have gained control of the Senate of Australia and have successfully become involved in major debates on the goods and services tax and many of the green issues, and they have managed to substantially change Bills in the Senate. That is reflected in this legislation. The minister has come into the Parliament with this Bill with a view to selling it to the Greens (WA) in the upper House, who believe they can do in the upper House what they have done in the Senate. It is an interesting argument, but it does not hold a lot of weight.

The Canadian Electoral Boundaries Readjustment Act 1985 provides that the readjustment exercise is not simply a mathematical equation, but is a delicate balancing act that must take into account human interests as well as geographical characteristics. That Act has twice been contested in the Canadian Supreme Court, and that court has twice upheld that these matters must be considered. The drawing up of a new electoral system is not simply a matter of mathematics, but is a delicate balancing act. How can the cold hard reality of figures be anything other than a delicate balancing act? Those matters are in the Canadian Act and have been debated for the past 100 years, as is the case in our situation, and they have survived the rigour of two Supreme Court cases.

Mr SWEETMAN: I wish to make a couple of comments about the proposal to divide the State into these new electorates. I have found it somewhat difficult to get into this debate, because my seat is one of the seats in the Mining and Pastoral Region in which people did not vote on one vote, one value. As I said during the second reading debate, if one gets 26 per cent of the vote it is a bit difficult to say with some authority that all those people got it wrong. I made the point also that so many other issues came into play at the election that people could be forgiven if they did not cast their vote on the basis of knowing that their seat would be abolished. As a result of the proposed boundary changes, the Mining and Pastoral Region will shift from six districts to four districts, and my seat in particular will increase from around 440 000 square kilometres to 1.4 million square kilometres. I wonder whether it has crossed the minister's mind how difficult it will be for the next member to represent that seat.

Mr McGinty: Yes it has.

Mr Graham: It will be impossible.

Mr SWEETMAN: I agree with the member for Pilbara. On the figures, we cannot make a case for any more than three districts. I will not fight for the minister to change his mind about four districts, because although four districts is far worse than six, three is far worse than four. The reality is that the way the seats will be carved up, particularly the new seat of Gascoyne, they will be impossible to represent.

I will give the minister a personal example of how difficult it has been to access areas in my electorate. If the minister wants backup for what I am saying, he can talk to people on the Salaries and Allowances Tribunal. Apparently they have been working through the electorates of various members to see how difficult it is for them to service the needs of their constituents, and they rang me and said they would like to come with me on the next trip that I do in my electorate, so long as the visit was not too long. I said I was planning to go to Meekatharra in a couple of weeks and would go out there one morning, spend the night and come back the next day. They said that would be fantastic and they would come on that trip with me. Three of the people were supposed to fly to Carnarvon on an F50 - we do not have a jet service in that area of my electorate - and they would then fly with me to Meekatharra. A week before they were due to come, someone from the office rang and said they wanted to know what the accommodation would be like, what aviation company would be used, and the details of the plane. That was fine. However, as soon as we gave them the detail that it would be a single-engine plane - a 210 Cessna - they rang back and said they could not come because it is policy that they do not fly on a single-engine aircraft. However, it is fine for the local member of Parliament to bump around his electorate in a 172 Cessna, a single-engine Beechcraft Bonanza or a 210 Cessna to try to save his electorate allowance. Those planes are as noisy as all get out, they are slow, and they are not pressurised. There is not one plane that I can fly from any of the charter companies in my electorate that has the luxury of a pressurised cabin. There are two twin-engine aircraft that I can charter, but they are too expensive.

Mr Graham interjected.

Mr SWEETMAN: And the landings are interesting so long as he puts the wheels down!

It is proposed that the new seat of Gascoyne will take in part of the seat of Eyre and go out to the border, extend all the way to the boundary of the Kimberley, and come back across to the coast. There is just no logic to it. My electorate forms along two corridors, which basically follow the coast along the North West Coastal Highway

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and inland along the Great Northern Highway. If a member wants to access areas like Meekatharra, Newman or Mt Magnet, there is a commercial service. However, if the member is based in Carnarvon as I am, he would need to come back to Perth to fly to those inland areas. Let us say that the next member happens to live in Carnarvon as well. How will he access areas around Wiluna, Nullagine and Marble Bar, where I might add we are still trying to get a bitumen road? He will have to fly from Carnarvon to Perth to Port Hedland and get a charter out of Port Hedland to fly into those remote areas, or he could get in a car and drive. The logistics of representing that area are absolutely impossible. A member will not be able to do it just as easily with an extra fax, with teleconferencing or with extra telephone allowances. He will not even be able to do it adequately with another electorate office because there will be still only one member. When all is said and done, the constituency in those remote areas just wants to see and access the local member.

Mr GRAHAM: This is called the one vote, one value clause. I have been sitting here with a calculator and running through some figures on the amendment that is before us, which will make every country seat around 11 500 votes and every city seat around 23 000 votes. Very few seats in metropolitan Perth are at that level already on the figures from the last election. However, it is interesting when one sits down and looks at what we mean when we talk about one vote, one value. If we applied a system of one vote, one value, these are the results that we would get in the current House: the ALP, which got 37.2 per cent of the vote, holds 32 seats. If it were given 37.2 per cent of the seats, however, it would hold 22 seats and would not be in government. Purely coincidentally, the Democrats would hold two seats in here. The Greens (WA), who hold none, would hold four seats. The Liberal Party, which currently holds 16 seats, would hold 18. The National Party, which currently holds five seats, would hold two. Pauline Hanson's One Nation, which currently holds none, would hold five. The Independents - we have done it again, gang; we are the only mob who are spot on - have four seats and we represent our vote. Already the Independents have one vote, one value.

Mr McGinty: Why don't you support it then?

Mr GRAHAM: Why? I have always told the minister that I support the principle of one vote, one value. It is just when it is applied in the Pilbara that I have difficulty with it. That is the only problem.

Dr Constable interjected.

Mr GRAHAM: That is exactly the point I was coming to. If we applied one vote, one value across the State along the lines that are proposed in these amendments, and we went down the road of the average enrolment, the Labor Party would be out of government tomorrow. It would be in nearly as bad a position as the Labor Party was in five years ago. That is not what the Government is proposing, and that is where a bit of the humbug with the legislation is starting to bother me. It is not about one vote, one value; it is about the degree of vote weighting, and that is what the debate is about. I say to the Minister for Electoral Affairs - I do not want to be either tedious or repetitive - that at some stage in this political process, he will have to engage the public. I do not mean in putting out press releases and talking about lies and misinformation and reuniting regions; I mean in a serious and meaningful way. At some stage, the Government will have to justify to the public why it holds 32 seats when in fact it should hold 22 seats, and why, if the figures that the Deputy Leader of the Opposition gave, the Government's vote could go down under the new system and the number of seats increase. If that is to be how one vote, one value works, I do not even agree with the principle. However, the Government must come to the stage at which the public has some input into the process. We are getting close to knock-off time and again I plead with the Minister for Electoral Affairs to give some thought overnight to how that might happen in this Assembly. This is not a threat from me; I am just stating the bleeding obvious. If we are to continue with this sort of nonsense, in which anyone who wants to move an amendment will move an amendment, the Government will be put in the invidious political situation of having to gag and guillotine the debate through the Assembly. That is not an outcome that it should be seeking. There are other ways, means and mechanisms that will allow all of these amendments to be dealt with in a reasonable and meaningful way, and the offers have been made. I encourage the minister to think long and hard about it overnight.

Amendment put and a division taken with the following result -

Extract from Hansard
[ASSEMBLY - Tuesday, 28 August 2001]
p3102b-3170a

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pental; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Ayes (16)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Trenorden
Mr Barnett	Mrs Edwardes	Mr Masters	Mr Waldron
Mr Birney	Mrs Hodson-Thomas	Mr Sullivan	Ms Sue Walker
Mr Cowan	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)

Noes (34)

Mr Andrews	Ms Guise	Ms McHale	Mr Ripper
Mr Bowler	Mr Hill	Mr McRae	Mrs Roberts
Mr Brown	Mr Hyde	Mr Marlborough	Mr Templeman
Mr Carpenter	Mr Kobelke	Ms Martin	Mr Watson
Dr Constable	Mr Kucera	Mr Murray	Mr Whitely
Mr Dean	Mr Logan	Mr O’Gorman	Dr Woollard
Mr D’Orazio	Ms MacTiernan	Mr Pental	Ms Quirk (<i>Teller</i>)
Dr Edwards	Mr McGinty	Mr Quigley	
Mr Graham	Mr McGowan	Ms Radisich	

Pair

Mr House

Dr Gallop

Amendment thus negatived.

Mr TRENORDEN: I move -

Page 2, after line 23 - To insert the following -

“Metropolitan Area” means the part of the State that comprises -

- (a) the metropolitan region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*;
- (b) Rottnest Island, and
- (c) The local government district of Mandurah.

There is an obvious point to moving this amendment, which relates to the capacity of the electoral distribution commissioners to draw seats across the metropolitan boundary. I believe that is against the minister’s stated intent during the debate. The minister said that eight seats, give or take one or two seats, would be moved away from country regions into the metropolitan area. However, the difference could be even greater than that because in drawing the boundary there is no reason for the Electoral Commissioner to not include Wanneroo, parts of Moore, Midland, Gidgegannup, Swan Hills, Darling Range and parts of Avon. Armadale and that side of the metropolitan area could be included with Wagin or go south into Mandurah, an area about which I am not concerned, as may be obvious from the motion.

It is bad enough to contemplate the loss of eight seats in rural and regional WA; however, the former version of the Bill had a provision that restricted the commissioners when drawing the seats to defining metropolitan seats as within the metropolitan area and country seats outside the metropolitan area. If that provision is not reinserted in the Bill, three or four seats could come out to the country areas like axle and hub. There could be 10, not eight, seats removed from the country areas. That goes back to the strong concern I raised earlier about community interest. Much of those areas are either water catchments or forestry reserves. For example, in my seat between Midland and Northam, taking in the Mundaring catchment area and system 6 reserves, is a considerable amount of unproductive land where an electoral commissioner would go a long way to find voters. There could be a long spur of land running from the edge of the metropolitan area deep into a seat. Again, much of Armadale and out towards Beverley and Wandering is reserve forest country and one would go a long way to find voters there. However, it may interest the electoral commissioners to do that to ensure that those areas have a particular number of voters. That is not my understanding of what the minister referred to and I see no reason for the minister not accepting this amendment. After all, if the minister accepts the amendment and wins the day, all it will do is ensure that the eight seats marshalled remain at eight seats.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr TEMPLEMAN: I oppose the amendment. It is important to understand that this amendment seeks a net reduction in representation for Mandurah. I make it clear to the members of this Chamber that I strongly support and encourage one vote, one value. In my speech to the House last week, I pointed out that it is unfair that the seat of Mandurah has only 14 000 electors, when Wanneroo has 40 000. This amendment seeks to include Mandurah in the metropolitan area. That is vehemently opposed by the City of Mandurah and has been for some time. It is the wish of the municipality of Mandurah that the area maintain its regional status. However, it also acknowledges that the increased growth in the area means there is no reason the one vote, one value principle should not be applied to the area's electoral districts. This amendment would not be supported by the municipality. Therefore, I oppose it.

Mr BIRNEY: I move -

That the amendment be amended by deleting the passage -

, and

(c) the local government district of Mandurah.

I know the member for Dawesville has a view on this issue that he would like to put to the House. Suffice to say, we believe, for a number of reasons, that the city of Mandurah should not be included in the definition of metropolitan area. Where would it stop? If it were included, someone could say that the cities of Bunbury and Kalgoorlie should also be part of the metropolitan area. The city of Mandurah is clearly not part of the metropolitan area, which mostly comprises the city of Perth. It is with that in mind that I move the amendment.

Mr MARSHALL: I support that amendment. I was the chairman of the inner structure plan committee, which planned the Peel region for the next 10, 20 and 40 years. In doing so, it learnt that the community does not want to become part of the urban sprawl that reaches to Rockingham and Safety Bay; nor does it want to be part of the metropolitan area. The inner structure plan design included a hidden buffer of public open space, a countrified atmosphere and five and 10-acre blocks. Urban development took place closer to the city of Mandurah. That inner structure plan won an Australian award for the way it incorporated the country feeling with the city-type infrastructure around Mandurah, which embraced the Peel region. The Peel region has its own identity and government body in the Peel Development Commission. That deals with the area outside of the city of Mandurah. Part of the program for the Peel region is to maintain a sense of belonging and a truly countrified atmosphere. Mandurah is adjacent to Dawesville, which is an electorate of 18 000 constituents. Mandurah has 14 000. Dawesville, just across the bridge, is truly country. The city of Mandurah, which has all the major facilities, still has a country feeling. A large number of country people retire to Mandurah, for that feeling of open space and freedom. They come from Kalgoorlie in herds. A back-to-Kalgoorlie weekend held at the Peninsula Hotel five or six years ago attracted thousands. Even though some members opposite might laugh a little, one-third of the population in Mandurah comes from Fremantle, which has a close-knit identity, although it is in the metropolitan area. It is something special, and those people retire south to regain that closeness that country people identify with.

Mandurah must not become part of the metropolitan area. The inner structure plan, the Peel Development Commission, and 80 per cent of the population of that area, all agree with that. People in the Mandurah area have free space; they are living close to the ocean, at Madora, San Remo, Silver Sands, and Watersun. They are not hemmed in. They can live by the golf course at Meadow Springs, and have trees and space around them. Kangaroos can be found just a kilometre away. It is very important that Mandurah be maintained as a country area. If Mandurah were to become part of the metropolitan area, people in my electorate would not feel happy crossing a bridge into a metropolitan area when they go to the cinema, church, the performing arts centre or the new marina. It is really country, but it would have that metropolitan flavour about it that would turn people off. That might be an attraction for football fans, such as the member for Wagin. The Crawford report released today stated that the eight clubs playing in the WAFL should be in the metropolitan area. If Mandurah were part of the metropolitan area, Peel Thunder could still be part of those metropolitan clubs. I doubt that, because that is still to come. I hope the Minister for Sport and Recreation, who met with all the club presidents tonight, has been able to swing them around. I note that he gives me the thumbs down, which I am very disappointed to see. I am very interested that the member for Mandurah is keen for Mandurah to stay as a country electorate, because politicians can be inclined to vote through their pockets to get an electorate that they can retain, rather than think of the people who elected them.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pental; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr McGINTY: The amendment moved by the member for Avon is opposed for two reasons. Firstly, it will exacerbate the malapportionment that currently exists. Perhaps the member for Avon has inadvertently short-changed the metropolitan area, because, as I understand it -

The DEPUTY SPEAKER: I draw the attention of the minister to the fact that the House is presently considering the amendment moved by the member for Kalgoorlie.

Mr McGINTY: I will come to that, because the issues really flow into one another, and have to do with the question of Mandurah. In a subsequent amendment, the member for Avon has proposed that the metropolitan area be divided into 35 districts, which is one more than is currently the case. One district will be taken out of the rural area. Unfortunately, there are two electorates in the local government district of Mandurah, the electorate of the member for Dawesville -

Mr Trenorden: The Government's Bill would cause two seats to become one seat.

Mr McGINTY: The member for Avon's amendment would take two seats out of the country and put one into the city. That would make the malapportionment even worse than it is now.

Mr Trenorden: That can't be so.

Mr McGINTY: I am sorry, but it is. His amendment would put two electorates, Mandurah and Dawesville, both of which fit within the local government area of Mandurah, into the metropolitan area. However, that would increase the number of seats in the metropolitan area by only one and reduce the number of country seats by one.

Mr Trenorden: Under your system it will be changed by only one anyway.

Mr McGINTY: That may be so, but under the member for Avon's proposal the malapportionment would be worse.

Mr Trenorden: It is your argument that Mandurah should be part of the metropolitan area.

Mr McGINTY: I am arguing that, for election purposes, the whole State should be treated as one.

Mr Trenorden: No. You have said time after time that Mandurah should be part of the metropolitan area.

Mr McGINTY: I am saying that it should be treated the same for election purposes.

I think the earlier discussion we had evolved to there being no justification for vote weighting in country cities, of which Mandurah is one, as is Kalgoorlie, Albany and Geraldton. If the member for Avon's amendment went further and applied to the other country cities where the National Party and Labor Party believe there is no justification for vote weighting, there would be some internal consistency. However, I can see no reason for the member for Avon to have selected Mandurah and not Bunbury.

Mr Trenorden: You wanted it. In this one case I have agreed with the minister.

Mr McGINTY: The member for Avon's amendment did not extend it far enough.

I refer to the amendment moved by the member for Kalgoorlie; that is, to effectively insert a definition of the metropolitan area, which is the definition in the Electoral Distribution Act, and to exclude from that the local government district. We oppose the member for Kalgoorlie's amendment because there is no need to draw an artificial divide between the country and the city. That rigid definition of seeking to treat citizens as two classes of citizens - city citizens and country citizens - has been the source of much angst in this House over the past week and a half. Everyone is a citizen of the State and should be treated accordingly.

Mr BARRON-SULLIVAN: I am interested in the minister's train of thought. There still will be a boundary between the metropolitan area and the south west; that is, the upper House region. It does not matter whether it is defined in accordance with the existing provision of the Electoral Distribution Act, which is directly reflected in the amendment the Liberal Party supports, or in some other way. At some stage there will be a boundary between the South West Region and the South Metropolitan Region. As I indicated earlier, the Liberal Party has done a fair amount of modelling on this to ascertain the political ramifications and the effects in terms of fairness and equity. Based on the projection provisions of this legislation, the bulk of the city of Mandurah will slip into the metropolitan area anyway. I suspect that the minister and some of his people have thought of that. If we do not have that metropolitan boundary, under the Government's proposal we will wave goodbye to Mandurah from the country. Without this firm definition, Mandurah will no longer be a country seat; it will become part of the city. Whether it is based on the amendment proposed by the National Party, which provides for the local government district of Mandurah to be included in the metropolitan area, or on the Government's Bill, the seat of Mandurah will go from the country to the metropolitan area. It would be encouraging when a division is held -

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

as it surely will be - if the member for Mandurah were to use this one little opportunity to demonstrate his commitment to the local community and stand alongside the Opposition when we vote, as the member for Dawseville has succinctly put it, and say that Mandurah must remain in the Peel region.

Mr Birney: The member for Mandurah did not show his commitment to the electorate of Mandurah on the Peel deviation bypass.

Mr BARRON-SULLIVAN: If the member for Mandurah were to say that the issue is important and that Mandurah should remain a country seat, and he were to vote with us on this, it would not change the outcome. It is an opportunity for him to send a signal to his local community and let them know that he supports them. He could do that without offending the Labor Party too much. During the last division there were 30 members of the Labor Party. I do not think the Opposition will be able to rattle up any extra numbers by the time this comes to a division.

There is logic in Mandurah staying in the country. I come from Bunbury and people tell me that Bunbury and Mandurah should have an urban vote weighting. Many a time in this Parliament and in my party room I have stood by members who represent purer country electorates. I refer to the member for Murray-Wellington and the member for Warren-Blackwood. We have stood together as a country team because my electorate is interdependent with the areas around it. Mandurah is the same in relation to the Peel region. The member for Kalgoorlie has just mentioned and the member for Dawesville has repeatedly referred to a very important project that people in the Peel region and the south west want to see up and running; that is, the Peel deviation. If the Mandurah district remained in the country as part of Peel and the south west, the community of Mandurah would have a greater say on issues that affect the region as a whole. If Mandurah takes in some of the areas near Rockingham - which it will do under the Government's legislation and under the National Party's amendment - then the scope for the community of Mandurah to be represented in the same way that it is now will be diminished.

An ad hoc change in which Mandurah is whipped out of the country does not make sense. It needs to be looked at in more detail. The Liberal Party is firmly of the view that Mandurah should stay in the Peel area and as part of the south west. The Opposition would be delighted to see the member for Mandurah support this stance.

Mr TRENORDEN: The Government has issued several interesting press releases about country members representing sheep and trees.

Mr McGinty: It was actually quoting the United States Supreme Court.

Mr TRENORDEN: They are now being replaced with dummy voters and crabs. What is the difference? That is what the Government is doing.

Mr McGinty: There is more to Mandurah than crabs.

Mr TRENORDEN: Is there? I have a house there. I lived in Mandurah for 12 months. I have a considerable number of friends there. I played full-back in the Mandurah league.

Mr Marshall: Catch any crabs?

Mr TRENORDEN: I caught a lot of crabs. I like catching crabs in Mandurah.

How can Mandurah be seen any differently? The minister has debated long and strong. Every time I have heard him outside this House, he has used Mandurah as the example.

Mr McGinty: It should not be treated any differently.

Mr TRENORDEN: Then why is it being treated differently? What is the difference between Mandurah and Armadale, and between Mandurah and Wanneroo?

Mr McGinty: Our legislation treats them the same.

Mr TRENORDEN: Part of the problem is that the minister cannot guarantee under his Bill that the electoral commissioners will not use part of the south-west metropolitan area and part of the country regions.

Mr McGinty: It will not matter.

Mr TRENORDEN: Of course it will matter.

Mr McGinty: Why?

Extract from Hansard
[ASSEMBLY - Tuesday, 28 August 2001]
p3102b-3170a

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr TRENORDEN: If Northam, York and Toodyay are added to Midland, it will matter a great deal. Under the minister's Bill, there is no reason in the world that could not happen. The minister conceded some hours ago that he had some compassion for community of interest. There is no compassion for community of interest in the Bill. Without some sort of definition of boundary, there is no reason in the world that Midland, Northam and Toodyay cannot be in the same seat, and maybe Gidgegannup in the middle, or Armadale through to Wandering and Pingelly. That goes against the argument we had three hours ago when the minister was showing some interest in what I was saying about community of interest. Where would be the community of interest in those cases? The Bill gives no direction to the electoral commissioners to draw boundaries without taking those matters into account. If they needed to find another 3 000, 5 000 or 10 000 voters, they would go and find them. The Bill contains no provision which states that they must be contained in any geographic region. One can drive from here to Wanneroo non-stop up the freeway with houses all the way. The drive to Mandurah is the same. What is the difference?

Mr Bowler: Take the train.

Mr TRENORDEN: The Government is to spend \$1.2 billion to save Mandurah people 12 minutes travelling time. That is not a good deal for the people of Western Australia.

Ms MacTiernan: How much was your mob going to spend - \$1.2 billion on a road and busway.

Mr TRENORDEN: The Government's figure will rise by another \$300 million. It will not be \$1.2 billion but \$1.5 billion to save 12 minutes travel time. I have great difficulty in dividing the figure. I will have to get a calculator out.

Ms MacTiernan: We can see why you ended up with 24 per cent.

Mr TRENORDEN: That is right. I am here. Why would Mandurah be considered any differently from Armadale or Wanneroo or any other place?

Amendment on the amendment put and a division taken with the following result -

Ayes (12)

Mr Barnett	Mrs Edwardes	Mr Marshall	Mr Sweetman
Mr Birney	Mrs Hodson-Thomas	Mr Masters	Ms Sue Walker
Mr Day	Mr Johnson	Mr Sullivan	Mr Bradshaw (<i>Teller</i>)

Noes (37)

Mr Ainsworth	Mr Graham	Mr McRae	Mr Templeman
Mr Andrews	Mr Hill	Mr Marlborough	Mr Trenorden
Mr Bowler	Mr Hyde	Ms Martin	Mr Waldron
Mr Brown	Mr Kobelke	Mr Murray	Mr Watson
Mr Carpenter	Mr Kucera	Mr O'Gorman	Mr Whitely
Dr Constable	Mr Logan	Mr Pandal	Dr Woollard
Mr Cowan	Ms MacTiernan	Mr Quigley	Ms Quirk (<i>Teller</i>)
Mr Dean	Mr McGinty	Ms Radisich	
Mr D'Orazio	Mr McGowan	Mr Ripper	
Dr Edwards	Ms McHale	Mrs Roberts	

Pair

Mr House

Dr Gallop

Amendment on the amendment thus negatived.

Mr TRENORDEN: The minister still has not explained why the commissioners will not extend what traditionally have been metropolitan and country areas. I do not care whether the boundaries are extended south to include Mandurah; the minister saw how I voted in the division. Even if the boundaries are extended north I see logic in keeping them within the metropolitan area. There is a fair distance between Wanneroo and the next

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pental; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

community. As one heads north the communities are very small until one gets to Gingin, which probably has fewer than 4 000 people, which is not a large population. A number of communities are dotted along the coast, and the next communities of any size are Wongan Hills and Moora, which is 150 kilometres outside the metropolitan area. Heading up Great Eastern Highway, the shire and town of Northam have around 10 000 people, but not voters; and Toodyay may have 4 500 people. The minister has not explained why the Government would want that to happen, particularly if that included a considerable amount of unproductive land such as the Mundaring catchment area and the system 6 reserves in the seat of Swan Hills. My electorate has a number of reserves that were set down in the system 6 report 20 years ago. This is a serious question: why would the minister not leave that open to chance? There is no logic in that, particularly if the minister was in any way serious when he indicated two or three hours ago that there might be something to talk about. Why would we want to talk to the minister if he will not give minor consideration to this area?

In reality, country areas could lose nine seats under the Government's proposal. The minister does not know how the Western Australian Electoral Commission will draw up these boundaries. I appreciate that the minister has allowed the Opposition as well as government members to ask the Electoral Commission to draw up different boundary proposals. However, none of us has asked the Electoral Commission to start at both ends of the Swan River and to draw up seats.

Mr McGinty: There is no point at this stage.

Mr TRENORDEN: My point is that neither the minister nor I know the consequence of that act. Given that the Labor Party will win the day, why would it want a situation - even in one instance - in which the commissioners feel the boundaries have to go out in a spur to pick up voters? When the electoral boundaries were drawn up eight years ago I accompanied the member for Merredin to the Electoral Commission and argued these points about the seats of Burrup and Wanneroo. The commission's answer was that its computer model did not allow it to do that. The member for Merredin and I talked about the things that should have occurred. The commission said that it put the information into a model, pressed a button and decided that because this is the model, this has to be the outcome. Why will it not be any different in a few years time?

Mr McGINTY: The requirement that the electoral commissioners apply the criteria of community of interest is unchanged in this legislation. It is still there; it is still a primary direction for them. Often local government boundaries are the best expression of community of interest - not exclusively - but that will be one of the major influences in determining what constitutes a community of interest.

We no longer require the metropolitan area to be defined by whatever mechanism - and the traditional one is the boundary of the metropolitan area as defined in the Metropolitan Region Town Planning Scheme Act - because all the areas anywhere near the metropolitan area will be treated the same for electoral purposes; that is, they will all have the same quota, give or take a bit, depending on population projections.

I will give the member an example of an area about which I do have some knowledge. The area between Rockingham and Mandurah, which is where that boundary currently lies, contains some small coastal settlements -

Mr Marlborough: Singleton, Golden Bay.

Mr McGINTY: Golden Bay and Singleton, for instance.

Mr Marlborough: Secret Harbour.

Mr McGINTY: Do they all fit within the metropolitan area?

Mr Marlborough: Yes.

Mr McGINTY: When drawing the boundary for the new seat of Mandurah, in order to get within quota, it may be necessary to include Secret Harbour - which is just up the road from Mandurah - in the Mandurah electorate. That would be crossing over the metropolitan area boundary to include a small community that is technically inside the metropolitan area boundary at the moment. Taking that definition out, will give the electoral commissioners a greater opportunity to give effect to community of interest considerations by not having an artificial line. Let us face it, the line drawn on the map for the purposes of the metropolitan region scheme is highly artificial. The proposal will enable only the electoral commissioners to set the boundaries of a seat that is predominantly rural with a little bit in the metropolitan area, or a seat that is predominantly metropolitan to step outside and pick up a small population centre that might then bring it within quota.

The answer to the member's question is that it is designed to provide that much more flexibility for the electoral commissioners to give effect to community of interest, whereas under the current scheme there is a line on a map

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

that, no matter what, cannot be crossed. If that were to continue to be the case it would introduce a measure of inflexibility, whereby the Parliament would have already drawn part of their electorate boundaries, because the metropolitan region scheme boundaries would become the electorate boundaries for existing electorates. It may be better from a community of interest point of view, and also to get closer to quota, to enable people to cross over if need be. Under our proposed scheme it will have no practical negative impact, because every electorate will be working on the same quota.

Mr BARRON-SULLIVAN: The minister is being a little conservative in saying that the seat of Mandurah might sneak up and take in Singleton or Secret Harbour. I think it will move up there and gobble up a fair amount of territory. We would end up with a seat that is somewhat different from the Mandurah seat that we see today.

The Liberal Party will oppose this amendment put forward by the National Party but for reasons very different from those put forward by the Labor Party. In a nutshell, we would not have a problem if the National Party amendment stopped after the words "Rottnest Island", but we are adamant that the seat of Mandurah, for the purposes of this legislation, should remain in the country area and in the Peel region.

Mr Trenorden: Do you realise that may mean we will lose the vote?

Mr BARRON-SULLIVAN: It will be very close! I ask the National Party to think through the consequences, because it will not happen and this amendment will not pass today. I have my calculator here, and I can work that out very quickly.

The point is again that by putting seats like Mandurah and Bunbury in with country groupings, we get more clout when it comes to dealing with country issues in the Parliament. It is very glib to say that Bunbury and Mandurah have more in common with the metropolitan area; therefore, they should not be in country areas. One could argue the same thing for Northam, and possibly even Geraldton. These country centres have a strong affinity with the country areas around them. More to the point, in the Parliament and in the processes of government, it is important to have a number of country seats can argue the case for their rural communities. It will serve no great purpose for the south west, or the people in the city of Mandurah, to slide Mandurah into the metropolitan area. However, that is what will happen under this proposal. Under the Government's legislation, the bulk of the city of Mandurah will end up in the South Metropolitan Region and will essentially become a metropolitan seat. The Liberal Party is not prepared to entertain that proposal.

The member for Dawesville has given some succinct reasons that the people of Mandurah would be rather upset if they were to be turned into city slickers against their will. We need to look at the community. I am not as familiar with the Mandurah community as the member for Dawesville, but I know that a great number of people have retired to the Mandurah area from the country. In fact, it is a bit like parts of my electorate, because there are strong bonds and ties between that area and country regions. If we were to walk down most of the streets in Mandurah or Bunbury and ask the people how they would feel about being gobbled up by the metropolitan area and becoming part of the amorphous mass of the metropolitan constituencies, I think most of them would say they are happy to be in the country and to be part of the south west group in this Parliament. Therefore, the Liberal Party does not support this amendment, but I suspect we will oppose it for very different reasons than will the Labor Party.

Mr TRENORDEN: One of the amendments that I will speak about in the future is to remove proposed section 16L(a). The point I want to make is a minor one but one to which the minister just may agree. Instead of including community of interest in proposed section 16L as a matter to be considered in dividing the State into regions and districts, we want to bring it further forward in the Bill and into proposed section 16I. Such an amendment may give me some comfort in this debate, because we want recognition of our community of interest. The minister's argument might be stronger if he would agree to our amendment that community of interest should be stronger than the other points in proposed section 16L. The minister might want to comment on that; I will leave it up to him. It would strengthen the minister's argument if the minister who goes through the process gives consideration to community of interest. The other serious point made by the minister in his second reading speech to the member for Merredin, was that the minister has some interest in making sure that the voting in those country seats were not tilted higher than the lowest city seat. How will the minister do that without some definition of a "boundary"? How would the minister go through that process without the definition of a boundary? The minister might have just twigged that I am serious about those two matters. That is an area in which, if we must accept defeat, it would be much less bitter if we knew that it was never the minister's intention to disadvantage those remaining seats in rural Western Australia. The defeat would also be less bitter if we knew that the minister was interested in the criteria of community of interest.

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Mr McGINTY: Currently in this Bill, as is the case in the former legislation, community of interest is the first criterion under proposed section 16L headed "matters to be considered in dividing the State into regions and districts". That clause reads -

In making the division of the State into regions and districts the Commissioners shall give due consideration to -

(a) community of interest;

The clause also lists the other five factors that are to be taken into account. As I indicated in the second reading speech, the other five -

Mr Graham: Six.

Mr McGINTY: Six altogether.

Mr Graham: Seven!

Mr McGINTY: Being the first item, it already takes pride of place. If there is a way in which that wording must be adjusted, I am happy to consider that. I am also happy, although it is not appropriate in the debate on this clause, to consider something that gives a general direction to the electoral commissioners to not pitch those wheatbelt electorates with static or declining populations at the upper end of the scale on that account.

Mr Trenorden: How do you do that without a metropolitan boundary?

Mr McGINTY: It is not necessary to have a metropolitan boundary to do that. The legislation refers to the three upper House regions as areas that are generally coextensive with the metropolitan area. It refers to the three metropolitan regions and they must together form an area that is generally coextensive with the metropolitan area of Perth. People know what is referred to by a "metropolitan" seat. That is where the comparison can easily be made if this legislation is passed in the form that is now proposed.

Mr TRENORDEN: Eight years ago, when the National Party, led by the member for Merredin, went to the Electoral Commission and debated these issues the electoral commissioners made it clear that if a computer model were drawn up, it could not include community of interest, means of communication and distance to the capital, physical features, existing boundaries of regions and districts - the commissioners said that they could at the time, although I would argue that - and existing local government boundaries. However, they could include the trend of demographic changes. They argued that in all practical purposes for drawing up boundaries, only the trend of demographic changes was the criterion that could be used. They debated the issue with us strongly. The member for Merredin usually keeps his cool, but on that day he got heated about this issue because the commissioners refused to move. They refused to move because they had their model drawn up. They had spent the money to get a computer model that would bung out the numbers and they could vary those numbers to the boundary.

That is why I ask the question: how can the community of interest be put into a computer model?

Mr McGinty: Hopefully, they will take that into account.

Mr BARRON-SULLIVAN: I am sorry to disturb the train of thought that the member for Avon is following, although I can see the relevance. I again make the point that if the National Party's amendment goes through, Mandurah will become a metropolitan seat. However we define the word "metropolitan", it will be part of the South Metropolitan Region. I also make the point that under the Labor Party's legislation, it is our estimation that the same thing will happen. The Electoral Commission prepared a model based on projections and so on. Interestingly, in that model, more than 19 000 electors in Mandurah were moved into the South Metropolitan Region. The point we on this side are making is that there is a bit of clever work in the Labor Party's legislation. By doing away with the metropolitan boundary, it will have an impact at the Mandurah end of things. Over time, it will have other impacts as well. I am sure the member for Avon is aware of the sorts of things that might happen to the north and to the east of the existing metropolitan area, if not in this distribution then in distributions to come. The scrapping of the metropolitan definition has not been done lightly or without thought. We have not analysed some aspects in so much detail, but definitely when we looked at the south west and at Mandurah on this model, which is, if anything, a little conservative, we found that some 19 000 Mandurah electors will be taken out of the country and put into the metropolitan area. I repeat: we will not support this.

The minister said a moment ago - it might be digressing a little, but I would be interested if he could cover it now - that he is prepared, in some way or other, to ensure that, for example, the agricultural seats of, say, Roe and Beverley will not be given enrolments at the top end of the 10 per cent variation on top of their quota; in

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other words, they will not have an enrolment significantly above quota. How can the minister ensure that that happens under this legislation?

Mr McGinty: We cannot. I said that I was happy to consider an amendment to that effect.

Mr BARRON-SULLIVAN: To ensure that they do not go up into that area.

Amendment put and negatived.

Mr TRENORDEN: I seek some direction from you, Mr Acting Speaker. If my next amendment were carried, there would be some difficulty with the number 3 on page 2, line 25. I presume that, because we are dealing with clause 4 as a single clause, there would be no difficulty with going back to that figure. However, I just need some direction from you, Mr Acting Speaker, on whether that is the case. We are dealing with clause 4. The Leader of the House has clearly said that he wants clause 4 dealt with in total. Therefore, if by chance the next clause were carried, we would have no difficulty going back and amending that one digit.

The ACTING SPEAKER (Mr Dean): My understanding is that we cannot go back. However, it would be a clerical amendment to change that to "4".

Mr TRENORDEN: I just wanted to save the House a bit of time, because I could have moved that amendment and debated the issue. If that is the case, I will move on to my next amendment. I move -

Page 3, after line 2 - To insert the following -

- (d) one shall be a person appointed by the Governor, at the commencement of each new Parliament, on the recommendation of the Premier, following consultation with the Parliamentary leader of each party in the Parliament.

The minister will remember this amendment, because the National Party discussed it in the briefing it had with the minister. The amendment deals with the point I raised a little earlier. In the past we had three wise gentlemen - they may not necessarily be the same gentlemen in the future, obviously - the Chief Justice, the Electoral Commissioner and the Government Statistician.

Mr Cowan interjected.

Mr TRENORDEN: The Bill refers to the Government Statistician. The National Party is interested in having as one of the commissioners a person who has more than a working knowledge - in fact, I suggest an impressive knowledge - of political aspects of Western Australia. However, in view of the delicacy of the situation, a person of whom most parties - perhaps not all - approve would have to be found. The National Party found, as did, I am sure, the Labor Party and the Liberal Party, that when it tried to argue issues other than that in proposed section 16L(f), the commissioners did not want to know about them, because, honestly, they did not understand them. That is not an unfair statement. They did not understand why those provisions were included. They did not understand the direction of the Labor Party's previous Bill. The National Party would like one of the commissioners to be a person who has the capacity to argue each of these points when the commissioners are discussing how to draw up the computer model or how to get down to the final presentation of electoral districts.

I will quote those points in the proposed section again -

- (a) community of interest;
- (b) means of communication and distance from the capital;
- (c) physical features;

The others relate to local government boundaries, which are far more mundane and should be able to be understood by everyone. If my memory serves me correctly, the minister indicated that he had not thought about this issue prior to the meeting, and he said that he would give it consideration. The National Party would like the minister to do that, because if there had been a bit of knowledge in the process eight years ago, we might not have the present situation with Wanneroo, Eyre or Burrup. The minister will understand that not only political parties, but also a range of people went to the commissioners at the last redistribution and debated the issues as they saw them. When the first drawing came out for the seat of Avon, it went from Northam to the coast. The Avon River ends at Toodyay. The seat could definitely take in Chittering, but the rest of the area does not feed into the Avon region. The commissioners arrived at their conclusion, not because they wanted to be nasty to the Avon area, but because they were seeking demographic changes, as set out in proposed section 16L(f). That was all the commissioners understood it was about. We will debate this issue later; however, to be unfair to them, they messed it up. Not only did they mess it up but so also did the computer model. The computer model was

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far more important than the commissioners' eventual decision because the computer model threw up the numbers. One must concede they had to start somewhere and the computer model gave them the basic ground on which to start. We are not seeking a huge change but a change that could make a difference to the attitude of the commissioners, particularly to the points referred to earlier by the minister.

Mr BARRON-SULLIVAN: The Liberal Party gave this matter much thought in the time it had to consider it. I have two concerns with the amendment. I understand the direction from which the Leader of the National Party is coming, particularly in view of what occurred in 1994. I do not have as much experience of redistribution as some members do, such as the member for Merredin and the minister. However, I vividly recall a situation in 1994, to which I will refer later when we debate the proposed projection arrangements and so on. My first concern is the provision in the amendment for a fourth commissioner on the recommendation of the Premier, following consultation with the parliamentary leader of each party in the Parliament. Apparently, former Premier Brian Burke's notion of consultation on such matters was to walk into the Chamber and tell members what was happening and that was the end of it. That is the reason for my concern about the amendment.

Mr Graham: I tell you that was three steps in front of Charlie Court!

Mr BARRON-SULLIVAN: Luckily, my memory does not go back that far.

Mr Trenorden: We can change it to "agreed".

Mr BARRON-SULLIVAN: I would be more comfortable with the amendment if "with a written agreement" were inserted, otherwise the clause will give the Premier of the day of any political party a blank cheque to determine who would be one of the electoral commissioners. God forbid, but the Premier of the day might decide to put someone into the position who is decidedly onside with the train of thought of the Government of the day; in other words, a political crony or hack.

The Opposition gave a lot of thought to whether there is a need for a fourth commissioner. Currently, the commissioners are the Electoral Commissioner, the head in WA of the Australian Bureau of Statistics and the Chief Justice. Much of the homework would be done in the Electoral Commission and we are happy to trust the commissioners provided for in the legislation. If there were to be a fourth commissioner, I ask the member for Avon to amend the amendment to provide for written approval from the Leader of the Opposition or from the leader of each parliamentary party. We are not convinced of the need for a fourth commissioner but we understand the direction in which the Leader of the National Party is taking us with his argument.

Mr GRAHAM: I want to move an amendment but it will not be worthwhile if the Government does not support it. I will move it anyway. I do not know whether I am in favour of a fourth person being appointed to the Electoral Commission.

I do not agree with the Deputy Leader of the Opposition that the written agreement of leaders of political parties should be needed to appoint someone.

Dr Constable interjected.

Mr GRAHAM: I will move an amendment. I guess it is the old industrial advocate in me, but, if written agreement is required, what would happen if it were not obtained?

Mr Cowan: All out on the grass!

Mr GRAHAM: There is a drought on; there is no grass.

What would happen if someone did not give agreement? The facts of life are that if agreement were withheld for simple or crass political purposes, the person would not be appointed. No explanation or reason is required. The Deputy Leader of the Opposition's suggestion assumes that agreement will always be forthcoming; it will not. I have been around politics and industrial relations long enough to know that agreement is not necessarily forthcoming, even if it seems like the right thing to do. Consultation in this case is a simple process that requires the Premier to consult with the parliamentary leader of each party.

I move -

That the amendment be amended by inserting after "party" the words "and each Independent member".

Mr Trenorden: What about a collective?

Mr GRAHAM: There is no such thing as a collective of Independents. It is a tautology.

Mr Trenorden: What about Bob Katter? He is one.

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Mr GRAHAM: Not here.

The amendment is self-explanatory; I do not think it requires a great debate. It is simple acceptance by the Parliament that, for some time now, not only political parties have been represented in this place. I have been a member of Parliament for 13 years, and Independents have been playing a role in the Parliament for 11 of those.

Dr Constable: A very important role.

Mr GRAHAM: I have noticed that it has become more important over the years.

More Independents have been elected over the years, and they have played a greater role in the Parliament. Having said that, a couple of Independents sat on the Labor Party side in the early 1990s. They had significant influence over events of the time. It is not unreasonable that the Premier should consult with the Independent members of Parliament as a matter of course. Other members may abdicate their rights in this place to party leaders, but Independent members still retain that ability.

Mr MCGINTY: We do not feel passionately one way or another about whether there should be three or four electoral distribution commissioners. The important thing is that we have confidence in the job they will do. The National Party raised some concerns about its confidence in the ability of the three electoral commissioners to do the job - that is putting it more bluntly than did the Leader of the National Party.

Mr Trenorden: It is not unkind.

Mr MCGINTY: I understand that. Changing the make-up of the electoral distribution commissioners warrants more detailed consideration than I am able to give in the context of this Bill. It is not something about which I feel passionately. On balance, I take a conservative view and would prefer to leave things as they are, although there may well be an argument for looking for a different way of effecting redistributions. However, that is a different area of concern. We should certainly investigate whether the existing commissioners have got it right. The fact that Wanneroo now has 40 000 electors is an indication that either the legislation is deficient or the commissioners did not get it right. It is possible other amendments might ameliorate some of those effects. It is something that I happily leave on the agenda for consideration in a broader context, but, on balance, I favour not changing this legislation in that way.

Mr BARRON-SULLIVAN: It will make no difference if the words are inserted. The minister can consult with Bill and Ben, or whoever else he wishes, but if the Premier is able to select this person, and needs only to consult people, he can talk to every single member and inform them of his intention to make an appointment. The question of independent commissioners setting boundaries and implementing the Electoral Act was one of the milestones I referred to in the second reading debate. It was introduced by a conservative Government many years ago. I am concerned that a backward step will be taken in politicising this very important part of the electoral process. If it is left open for any Premier of any political persuasion to pick one of the electoral commissioners, the process has been politicised. I am uncomfortable having this discussion in this way about this provision. I understand where the member for Avon is coming from. In view of the current electoral commissioner, I am very confident that the three commissioners who presently hold office will do a good job. That is my honest opinion. I do not have a problem in that respect. For the same reasons I do not see the likelihood of a repeat of the situation that prevailed in 1994. We will see a repeat of it, because of the way this legislation will operate, but not through any lack of confidence or expertise on the part of the Electoral Commissioner or the other two commissioners. The Liberal Party has decided it is not all that keen at this stage to move for a fourth commissioner, and it certainly would not agree to something that in any way enabled the politicisation of the process, regardless of how many people the Premier must consult before making the appointment. This leads to another question which has not been discussed; that is, what sort of person would be appointed? At the moment there is absolutely nothing to stop the Government appointing a political hack. In the case of the Labor Party, it could just go to Curtin House and find someone who is good with a calculator and knowledgeable of electoral matter, and whip them in. That could happen whichever party is in office. Even if the Government looks outside the political sphere, whoever is chosen, from whichever field, will carry his or her own subjective views. That is only human nature. The system at present is as independent as possible, and no better system has been suggested to date. I appreciate the concerns of the Leader of the National Party, but I think it would be a mistake to go back on a system that was a major achievement many decades ago, when the process was depoliticised and a degree of independence was inserted by providing for three independent commissioners.

Mr TRENORDEN: The minister said that he may consider this measure in the future, but it would have brought me more comfort if he had agreed to do it in this Bill, because electoral Bills are a long way apart. It is a good

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thing that they are a long way apart. The minister argued in his second reading speech, that there is a good argument for gradual change. The National Party will not go to the wall on this, but the reality is that any objective look at the last redistribution will show that only the measure mentioned in proposed section 16L(f) was used - the trend of demographic change. The rest was just too hard. When the electoral commission is pulled together and instructed to do its work, there will be a computer model that will have the same pressures, because, as marvellous as they are, computers are capable of only certain functions.

It will not encompass, for example, paragraph (a). That is why I asked earlier whether the minister would give consideration to accepting the previous amendment, which would move "community of interest" from that argument. I am still very concerned that when the commissioners draw up their computer model how "community of interest" will be separated from paragraph (f) "the trend of demographic changes". We know they blew it. At the risk of repeating myself, because the points must be made, most people told them that they had it wrong, but they still did it. That enabled the minister, with a fair amount of validity, to make those statements about Wanneroo and Eyre. In all fairness to them, the computer model got it wrong. The minister will be asked, if he has not already been asked, for the money to pay for a program that will draw those boundaries. Paragraphs (a) and (f) remain, so we will be in the same position as we were in 1994.

Mr BARRON-SULLIVAN: The member for Avon raises a valid point about the potential for the enrolment figures to be determined the way they were in 1994 and for enormous discrepancies to occur as a result. That will happen as a result of other provisions of this Bill. The member for Merredin pointed out some of those dangers during the second reading debate. My view is reflected in amendments the Liberal Party will move later, particularly to proposed section 16L. It is better to confront this issue when dealing with the definition of "community of interest" and "the trend of demographic changes" rather than provide for a fourth electoral commissioner and hope he can fix the situation. When we debate proposed section 16L we will have the opportunity to more clearly define "community of interest" to provide a great deal of leeway for the Electoral Commissioners in setting the boundaries independently and to tackle the problems that are created by having a criterion related to trend of demographic changes. We can address the Leader of the National Party's concerns in another way without leaving ourselves open to the potential for politicisation of the process.

Amendment on the amendment put and negatived.

Mr TRENORDEN: The minister did not answer the question about this Bill or the next Bill and whether he would give consideration to this matter.

Mr McGinty: Next time around, not in this Bill.

Mr TRENORDEN: When you and I are pushing up daisies?

Mr McGinty: I do not think so.

Amendment put and negatived.

Mr GRAHAM: The amendment standing in my name reads -

Page 3, line 23 - To insert after "each party" the word "and each Independent member".

The typewritten copy I have circulated says "and Independent member". I have a signed copy amending that to "each Independent member".

This is somewhat different from the other amendment in that it is not dependent on an amendment from the National Party to deal with the substantive clause. The minister can deal with it directly. There is no need for me to repeat the arguments. It is a recognition that there are Independents in the Parliament, members who are not dictated to by political parties. Those members have a right to be consulted on the appointment of the electoral commissioners.

Dr CONSTABLE: It will not come as a surprise to the minister that I support the amendment of the member for Pilbara. I am sure that there is a spark of generosity in the minister and he will agree that this is a very sensible amendment to proposed subsection (5). It was probably only an oversight on the part of the minister that the four neat little words left out of proposed subsection (5) would allow the inclusion of the Independent members. As the member for Pilbara said, Independent members have been an important part of this Parliament for over 10 years. If other members of Parliament are consulted through their parliamentary leaders, it is only right and proper that Independent members be part of the consultation process. I hope the minister will see fit to agree to the amendment and, in the spirit of going beyond bipartisanship, include all members of Parliament in the consultation.

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Mr PENDAL: It goes without saying that I will support the amendment. I hasten to add that I am not sure that the Government's amendment is worth a lot in the scheme of things. There was an anecdotal, but accurate, portrayal of an event that occurred in this place over the appointment of the chief electoral officer around 1990. Peter Dowding was the Premier. The Electoral Act reflected the words that are being reflected tonight. The obligation on the Premier was to consult the Leader of the Opposition. The Premier of the day, Peter Dowding, got out of his seat and stood in front of the then Leader of the Opposition and told him that next morning the Cabinet would appoint - let us say - Tom Smith as the new electoral commissioner. The Leader of the Opposition said that was interesting and the Premier told him that he had just discharged his obligation to consult him. He did an about-face and walked back to his seat.

Mr Johnson: Typical Labor Party.

Mr PENDAL: I think it is the typical tactic of the party in power. I looked in the *Australian Pocket Oxford Dictionary* for the definition of "consult". It means to seek counsel from someone or take advice from someone. The example I have given makes the provision a pointless one. What will a Government do? Will it seriously say to a Leader of the Opposition or a party leader or a group of Independents that it is thinking about appointing Tom Smith or Mary Brown and that it is obliged to consult with them? If a member says that he does not think it is an appropriate appointment, do we expect the Government of the day to not proceed with the appointment? The appointment will proceed. In a way we are going through a charade that was acted out in this House in the manner I described about a decade ago.

We go through many charades about the consultation process or lack of it. I heard the Minister for Planning and Infrastructure interject again about the railway system. I was reminded of how much consultation on the railway in South Perth went on, notwithstanding her protestations to the contrary.

Ms MacTiernan: It is happening now.

Mr PENDAL: I do not know what she is whingeing about now, but she can get to her feet and say what she wants to say.

The whole point of the notion of consultation is a charade. We see it reflected in that appalling decision and I suspect it will be repeated in this legislation. It is not worth anyone going to the barricades for. If the Government wants to go through the motion and repeat the charade, it will be repeated. However, I take the opportunity of pointing out to members that this is the sort of stuff we put into legislation in some vain hope that someone will take notice of it. We would probably be better off not having any sort of consultation process at all. That is certainly the situation that the people in the city of South Perth are having to endure. I still intend to support the remarks made on the clause, but I have no great optimism that it will ever amount to a row of beans.

Mr BARRON-SULLIVAN: I will not take a bet on that. The point I made on the Leader of the National Party's proposed amendment applies to this amendment as well; people can consult with anyone they want, but at the end of the day on something as important as this - call me cynical - I suggest that today's Premier would certainly want to put someone of his own choosing in the position. There is too much at stake for the Labor Party. Call me cynical again, but the same criticism could be levied at other political parties.

Having said that, my recommendation is that the Liberal Party support the member for Pilbara's amendment. If nothing else, it is a symbolic recognition of the role that Independents are now playing in this Chamber. When the original provision was put into the Electoral Distribution Act in 1947, there were no Independents. Perhaps no-one thought about it for that reason. It is a little like building a house. Many architects when designing a house do not make provision for people in wheelchairs, because people do not think about that but have to be told. People with wheelchairs might tell them they would have a problem getting through doorways or wherever. We have Independents in this Chamber. I am not saying they are all in wheelchairs or anything like that but, if nothing else, the proposed amendment is symbolic and recognises their presence in the Chamber.

I signal our intention that as soon as this matter is dealt with, I will move an amendment that will tighten up this clause. It will require a degree of accountability from the Premier of the day before he can automatically appoint someone of his own choosing into such an important position.

Dr CONSTABLE: There are two terms I want the minister to put his mind to: the first is "consult", which has already been dealt with by members. I agree with the vein of cynicism expressed by the members for Mitchell and South Perth. Consultation tends to be play-acted. Quite often a decision is made before any consultation takes place. The Minister for Planning and Infrastructure has given a very good example of that tonight. The second term that proposed subsection (5) relates to is in proposed subsection (4) - "may appoint a suitable

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person". We could do with a definition of "a suitable person". I assume he means someone with the same sort of qualifications that one would expect a government statistician to have. Perhaps it would be a professor of statistics or someone who is highly regarded in the community and who has strong qualifications and professional experience as a statistician. That term requires clarification.

Mr McGINTY: There is a general proposition in this House that a political party is recognised if it has five or more members. I simply make that point by way of observing that there are four Independent members in this House. If those members operated in a collective way, which they clearly do not, they would not qualify for recognition as a political party from the point of view of the provision of resources and the like. The National Party, with its five members, just qualifies. Putting to one side the cynicism that some members have expressed, I raised that issue to make the point about who should be consulted when consultation is required by an Act. The intention here is obviously to consult with the significant representative groups in the Parliament. The arbitrary cut off point is five members for a range of purposes within the Parliament. I suspect that if there were more Independents, which would increase the importance of the Independents to the Parliament, as reflected in their names -

Dr Constable: Four was a pretty important number in 1991.

Mr McGINTY: Absolutely; they held the balance of power.

Dr Constable: Would you consult under those circumstances, or do you make the rules up as you go?

Mr McGINTY: The accepted yardstick is five.

Dr Constable: In this House!

Mr McGINTY: Yes.

Dr Constable: So, that means you would not consult with the Greens (WA) because its members are in the Legislative Council. The definition you are talking about concerns the number of members of a political party in this House.

Mr McGINTY: It is interesting. At the moment, the Greens (WA) party is not a recognised party.

Dr Constable: Is it because it does not have any representation in the Legislative Assembly?

Mr McGINTY: I know. Its five members are in the Legislative Council. The rule that applies in this House about five members constituting a political party -

Dr Constable: Oh, come on.

Mr McGINTY: No, I am just telling the member for Churchlands the facts. These are the facts.

Dr Constable: You are making it up as you go along.

Mr McGINTY: No.

Mr Pandal interjected.

Mr McGINTY: I will finish this point before the member for South Perth interjects.

Dr Constable: The definition you are referring to -

The ACTING SPEAKER (Mr Dean): Thank you, member for Churchlands!

Mr McGINTY: No, it is fine.

Dr Constable: The definition you are referring to refers to the number of members of a political party in this House. If a party has five members in the Legislative Assembly, it is a political party. A party is not recognised if it has less than five members here, even if it has five members in the upper House.

Mr McGINTY: Yes, that is right.

Dr Constable: That's right. So, under these circumstances, you would not consult with the Greens.

Mr McGINTY: I am simply making this point -

Dr Constable: I want to know whether, under proposed subsection 5, you will consult with the Greens if it has five members up there and none down here.

Mr McGINTY: Well, the -

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Dr Constable: No, not “well”; answer the question.

Mr McGINTY: I will, cross-examiner! The fact is that having five or more members in the upper House does not allow a party to qualify for recognition as a political party.

Dr Constable: So, you would not consult with the Greens under proposed subsection 5. Come on, yes or no.

Mr McGINTY: I ask the member for Churchlands to let me think about the question, if she wants an answer.

Dr Constable: I thought you were full bottle on this. You have to think about it?

Mr McGINTY: I am simply making this point about the rule of five members constituting a recognised political party for the purpose of allocating resources. For example, the National Party is provided with additional staff and other facilities, which are not provided to the Greens.

Dr Constable: Because it is not a political party under the definition you work under.

Mr McGINTY: Because a political party, for the purposes of providing resources, is a political party in the Assembly only. It does not apply to a political party in the Legislative Council. That is just the way it is. I am not saying anything more. That is what the law -

Dr Constable: We all know the history of that, but with due respect, minister, you are still not answering the question. Under proposed subsection 5, the Greens would not be consulted. Is that correct?

Mr McGINTY: It would depend on whether -

Dr Constable: Whether you wanted their support for the Bill.

Mr McGINTY: No, not at all. I raise that to make the point about who should be consulted. Looking at the wording in proposed subsection 5, it would depend on whether each party under this legislation had the same meaning as a recognised political party for other purposes in this Parliament. That is what it means.

Dr Constable: It looks pretty plain to me.

Mr McGINTY: I am not sure what the answer is.

Dr Constable: That is better!

Mr Pandal: Incidentally, I think you will find that the only reference to political parties and the requirement to have five members for a party to be recognised actually comes under the parliamentary Salaries and Allowances Act 1975. I do not think that it has anything to do with the electoral legislation.

Mr McGINTY: The member for South Perth may well be right. That is the reason I was hesitating in answering the member for Churchlands, because there is the question about whether this would require the Government to consult with, for instance, One Nation. Or does it require -

Dr Constable: There are only three of them. Come on, you would have to consult with us. There are four of us.

Mr McGINTY: I will try, in the one second that I have left, to make a point. Perhaps the Government would be required to consult with the member for Alfred Cove, but not with the rest of the Independent members of Parliament.

Mr GRAHAM: In the scheme of the Electoral Amendment Bill, an amendment to consult members of Parliament who are not members of a political party is a simple proposition. If we were in the same position as we were in 1992, the Minister for Electoral Affairs would have consulted the Independent members of Parliament, and would have agreed to the motion. However, because the Minister for Electoral Affairs is confused about what a political party is under the Act, I suggest that he go to section 4 of the Electoral Act, which reads -

“**political party**” means -

- (a) a body corporate or other body or organisation (not being a body corporate or other body or organisation described in paragraph (b)) having as one of the objects or activities of the body or organisation the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation that forms part of it; or
- (b) the branch or division for this State of a body corporate or other body or organisation which -

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- (i) is organised on a basis that includes this State and another State or Territory or other States or Territories;
- (ii) has a branch or division for this State; and
- (iii) has as one of the objects or activities of the body or organisation the promotion of the election to the Parliament of this State of a candidate or candidates endorsed by it or by a body or organisation that forms part of it;

Mr McGinty: That provides the answer.

Mr GRAHAM: It provides the answer to what constitutes a political party. If one reads that carefully, it is clear that a political party does not even need to have a member in the damn place.

Mr McGinty: Proposed section 16B(5) requires that.

Mr GRAHAM: Yes, but the minister's argument against the amendment I moved is that the Independents do not constitute a political party; therefore, the Government does not have to consult them. Under the Act the Government has to consult with every political party, whether or not they have a member in this place. The out for the Government is the clause that says that the Premier shall consult with the parliamentary leader of each party in the Parliament. The minister's reason for not including Independents was that they did not meet some half-baked definition he had thought up on the hop of what constitutes a political party in this place.

The minister is wrong. I am sorry to have to say that to the minister twice in two days. The Electoral Act defines a political party, and it does not need to have five members. I could form a \$2 corporation with the aim and objective of electing a candidate; I could elect myself the leader of that political party and the minister would be obliged to consult with me.

Mr McGinty: From memory, you are required to do more than register as a political party.

Mr GRAHAM: No; not unless the minister supports the amendments we are debating. I would be happy if the minister did, but I suspect he will not. If the members for South Perth and Churchlands or I took those actions, the minister would be required to consult with us, because we would then be the leaders of our political parties. That is a load of nonsense. The sad thing about this from my point of view is that the Minister for Electoral Affairs has signalled to us - despite his statesman-like speeches - that he has no intention of accepting any amendments from either side of the House on this legislation.

Dr CONSTABLE: I am sure the minister will not be surprised to learn that I am very disappointed with his response to this amendment, but I did ask him to clarify two terms. I do not think he has yet clarified the meaning of the word "consultation". Does it mean making a decision and then informing other people of the decision, or does it mean seeking the counsel of other people in order to come to a decision later on? I also sought clarification of the meaning of the term "a suitable person", which is referred to in proposed subsection (5) but is also the substance of proposed subsection (4).

Mr McGINTY: I am indebted to the member for Pilbara for the definition of a political party contained in the Electoral Act - the starting point for this legislation - which is a different definition for other purposes of what is a recognised political party in this Parliament. As the member for Pilbara has stated, given the definition of "political party" contained in the Electoral Act, it would include anyone who was a recognised member of that political party properly registered. I am not sure of the current status of liberals for forests and whether it is registered in the State; if it is, we would need to consult with the member for Alfred Cove, based on that definition.

The other point I should make is that the requirement to consult with the parliamentary leader of each party is incapable of being fulfilled as far as members of Greens (WA) are concerned because their structure prevents them from having a leader, so there is no such person to consult with.

Dr Constable: What about One Nation?

Mr McGINTY: Does it have a leader?

Dr Constable: I have no idea.

Mr McGINTY: I am not sure of its structural arrangements, but on the definition that was given to us by the member for Pilbara, if One Nation does have a leader it would need to be consulted about this matter of the appointment of a substitute for the statistician.

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Finally, the conclusion which the member for Pilbara has drawn from lack of support for this amendment does not logically follow. The member has said that this is conclusive proof - or words to that effect - that we will not be supporting any of his amendments.

Mr Graham: It is quite clear that this is a relatively minor amendment, and that the minister is not open to accepting amendments from either side of the House.

Mr McGINTY: I have already indicated to the National Party that I am interested in some of the things its members are talking about.

In the two-and-a-half minutes I have left I will turn to the issues raised by the member for Churchlands. An example has been given in recent minutes of what is obviously an action which was purported to be consultation but which makes a complete farce of the consultation arrangements. When something requires consultation but there is no penalty attached to it or no description of the content of consultation, it is always open to abuse by individuals, I suspect from both sides of the House, depending on their relevant position. Obviously, consultation should include going to people with one or more names and asking whether that is acceptable. I do that regularly, for instance, in the appointment of judges. In those particular areas, whether they be magistrates, District Court judges or Supreme Court judges, there is to my way of thinking genuine consultation by going to people before a decision is made - and before a decision is made in a real sense.

Mr Pental: Would you discuss that appointment with a political opponent?

Mr McGINTY: No. It is not currently part of the routine.

Mr Pental: Why would you make an exception about that?

Mr McGINTY: The standard protocol on the appointment of judges is that the consultation involves the heads of jurisdictions, particularly the Chief Justice, the presidents of three organisations: The Law Society, the Western Australian Bar Association and women's lawyers. Particular cases might also involve practitioners in a particular area including the Family Law Practitioners Association. That is the accepted protocol of the people that the Government must consult with; that consultation is very real. People will be asked whom they think should be considered and sometimes they will be asked what they think of a particular person. The feedback of those organisations is crucially important. If a violent objection is raised by one organisation, that person may have to be put to one side. That process should be involved in proper consultation. I appreciate the extent to which people feel passionately one way or the other in the political arena.

Dr CONSTABLE: I am desperate to find out what is meant by a "suitable" person in subclause (4), and I know that the Minister for Electoral Affairs is desperate to tell me.

Mr McGINTY: I will use the example of judicial appointments as the type of consultation that should occur. The federal Attorney General is required to consult with the States about appointments to the High Court. However, since no appointments have been made to the High Court in the six months this Government has been in power, I do not know the nature of that consultation process. I would find repugnant the farcical sort of consultation to which the member for South Perth referred earlier.

Mr Pental: I am pleased to hear you say that.

Mr McGINTY: Although I was not here, I have heard the story; it would obviously be completely unacceptable. Consultation occurs from time to time; for example, I am in the process of writing a letter to the Leader of the Opposition about an issue involving a change to the law about a particular judicial appointment. It is a matter about which I will write to him confidentially. I expect some feedback from the Leader of the Opposition, and if he does not approve, I will not proceed with it. That is what I regard as real consultation. It is not necessarily a right of veto, but it should take into account everyone's different points of view.

My final point is about the appointment of a suitable person. My daughter just finished reading a book called *A Suitable Boy*.

Mr Trenorden: It is a suitable book.

Mr McGINTY: Is it? Again, they are imprecise words. A lot will depend on what people want them to mean at the time. If the words "suitable person" arose in the context of a replacement for the government statistician, an appointment would need to be given to someone who could bring a high level of expertise to the matter in hand. To use the words of the member for Mitchell, I would not think that either a party hack from Trades Hall or Jeremy Buxton would be appropriate to fit the description of a suitable person. When dealing with something as

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crucial as the drawing of electoral boundaries that determine political fates, it is important to have people who have that aura and reality of independence about them who can bring a real skill to the deliberations at hand.

Dr Constable: The sorts of skills as well.

Mr McGINTY: I said that at the beginning.

Dr Constable: I want to reinforce that it is important in this redistribution process to have those skills.

Mr McGINTY: I would go further than that and say that in the same way that one would expect a government statistician to be an independent person, as are the Electoral Commissioner and the Chief Justice, that is another prerequisite for that position. They are the qualities that that person should bring to the job, and someone should not be the subject of consultation unless he meets that description.

Mr TRENORDEN: Some of the debate of the past 10 or 15 minutes has been off the mark. Historically, the previous Bill, and the current Bill, required the minister to consult political parties. However, there has been considerable change in this place. I believe totally that the minister or the Premier of the day has a moral responsibility to consult everyone in this Chamber. In 1907 or whenever the Bill was drawn up, political parties were consulted as part of the process. It is just not appropriate that that be the case.

Mr Marlborough: I think you made that up.

Mr TRENORDEN: Is that right? There are 57 members of this House who equally will face the electors under the same circumstances. During the weeks of this debate, the minister has argued all along that everyone should be equal in the process. Given the words in the clause about consulting, why should everyone not be consulted? It is fair that the minister approach the Leader of the Opposition to represent those members of the Liberal Party, because he can speak to the members of the Liberal Party and tell the minister the outcome. It is fair that he speak to me, because I can speak to the other four members of the National Party and give the minister the outcome. That procedure is ingrained in the Bill, more so than the argument about what constitutes a political party and those sorts of issues. That is a good, simple process. I support that process of consulting the Liberal Party and the National Party. It means, for the sake of efficiency, the minister need make only two communications. As members have pointed out, there have been Independent members in this House for a considerable period. Given the quality of the Independent members of this House, the likelihood is that they will to continue to be members for some time. The minister is missing the point. Each of us has a responsibility to the Premier. The fact is that he is our Premier. Even though he is on the other side, he is still the Premier of Western Australia and has the sworn responsibility of the Premier of Western Australia. The Premier of the day has a moral responsibility, and the function within the parties reflects a different time and a different place.

Amendment put and a division taken with the following result -

Ayes (20)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Trenorden
Mr Barnett	Mrs Edwardes	Mr Masters	Mr Waldron
Mr Birney	Mr Graham	Mr Pandal	Ms Sue Walker
Dr Constable	Mrs Hodson-Thomas	Mr Sullivan	Dr Woollard
Mr Cowan	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)

Noes (28)

Mr Bowler	Mr Hyde	Ms McHale	Ms Radisich
Mr Brown	Mr Kobelke	Mr McRae	Mr Ripper
Mr Dean	Mr Kucera	Mr Marlborough	Mrs Roberts
Mr D'Orazio	Mr Logan	Ms Martin	Mr Templeman
Dr Edwards	Ms MacTiernan	Mr Murray	Mr Watson
Ms Guise	Mr McGinty	Mr O'Gorman	Mr Whitely
Mr Hill	Mr McGowan	Mr Quigley	Ms Quirk (<i>Teller</i>)

Pair

Mr House

Dr Gallop

Amendment thus negated.

Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pandal; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

Mr BARRON-SULLIVAN: I will concentrate on proposed section 16B(5). It is disappointing that the previous amendment was not passed. What we are picking up this morning is a degree of concern about how this provision might be used by the Government of the day - I mean that generically; that is, by any Government of the day. This clause contains a specific provision regarding the situation that will arise if, for example, the Chief Justice is hit by a bus, or if the Electoral Commissioner is unable to perform his duties in a redistribution. The concern arises over what will happen if the Government Statistician is not available. Could the minister tell us what is the definition of Government Statistician? We know that he or she is the head of the Australian Bureau of Statistics in this State, but I am interested to know what is the legal definition. When I sit down, could the minister give us advice on what is the legal definition of Government Statistician? We know who he or she is, but we want to know what the legal definition is. Obviously, it is a phrase that goes back in history. If the Government Statistician were not available, the Premier could appoint a person of his choosing in accordance with the Electoral Distribution Act, which provision is being put through in this legislation. A number of members raised concerns, including the member for South Perth, who again used the benefit of his experience to eloquently demonstrate the sort of thing that can happen if no specific check is provided for in the legislation.

I want to move an amendment about which I am open to have amended if an Independent or the Leader of the National Party wants to elaborate on it. I move -

Page 3, line 23 - To insert after "Parliament" the words "and shall obtain the written consent of the Leader of the Opposition".

I am amenable to expanding the amendment by adding words such as "the leaders of all major political parties and Independents". Before doing that, I want to make sure in a technical sense that members are happy to expand it. The minister alluded to a potential problem with the Greens (WA), who have made it clear that they do not have a leadership structure; in that case there would be a question of whom to refer to. However, I want to keep the amendment simple so that it refers to the Leader of the Opposition of the day, defined as the leader of the major party in opposition in the Chamber. The fact that the Leader of the Opposition must give approval would provide enough of a check and balance because, to put it bluntly, it would be impossible for a deal to be struck between the Premier and Leader of the Opposition of the day on the choice of replacement for the Government Statistician who may not be suitable to other members of the Chamber. Members may agree with the amendment in principle. I would be more than happy to recommend that the Liberal Party support an amendment to it if the Leader of the National Party, the member for Pilbara and other Independents want to expand it to include "the leader of any parties or Independents".

We have suggested the amendment as a matter of principle because the legislation currently has no check or balance. History indicates that one of the milestones of electoral reform in this State occurred when the Electoral Commissioner system commenced. Until then there was a definite political bias in the electoral system in the way in which boundaries and so forth were determined. All we want to do with the amendment is maintain as much as possible the independence of the electoral system, bearing in mind that, hopefully, in three-and-a-half years we will be sitting on the other side of the Chamber and the amendment will keep us honest as well. The Liberal Party is prepared to look into the future and to say that it is prepared to be held to account. We hope the Government and the Independents will agree to the amendment.

Mr BIRNEY: I support the amendment moved by the Deputy Leader of the Opposition. This subclause is an important part of the legislation. It is all about electoral fairness and about ensuring that the electoral distribution commissioners are in no way partisan but are completely above the political system. It makes sense, before the Premier of the day recommends a substitute for the Government Statistician to the Governor, that he or she obtain the written consent of the Leader of the Opposition. The Leader of the Opposition would not give that written consent unless in his opinion the person proposed was non-partisan and capable of discharging his or her duties on behalf of the Government Statistician in a non-political fashion. In many ways, this subclause goes right to the heart of democracy. The last thing we would want to see happen is an obvious political appointee re-adjusting the electoral boundaries on behalf of the Government Statistician. I support the amendment. I note that at least one member seems to have nodded off. I dare not mention his electorate of Belmont in case he wakes up.

Mr Graham: It's right next to the electorate of Cottesloe.

Mr Ripper: I am paying close attention to your arguments, and I don't find them that impressive.

Mr BIRNEY: He seems to have come to.

Mr Barnett: I was pondering your future; which electorate you will name.

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Mr BIRNEY: I think it is worthwhile listening to this debate. The clause is particularly important as it refers to the fundamentals of democracy. Someone who is partisan in any way, shape or form should not be responsible for readjusting the electoral boundaries. I support the amendment.

Mr BARRON-SULLIVAN: I jump to my feet so that the minister can finish his conversation. What is his view on the principle behind this amendment? Also, I asked earlier if he could tell us the official definition of the Government Statistician and where that definition is found. I would also like to know what would happen if this provision were not put into the legislation. I refer to a situation in which the head of the Australian Bureau of Statistics is unavailable and the Premier wants to make an appointment. He consults with the parliamentary leaders of each party, but the Leader of the National Party says he will not have a bar of that appointment and that it is definitely not on, and the Leader of the Opposition also says he is not too keen on the idea. Will the Minister for Electoral Affairs say on the record that if that were the case, he would not make the appointment? Not giving a guarantee during the consideration in detail stage that he will give the other parties in the Parliament a reasonable veto power would demonstrate the need for this amendment. The bottom line is: why not agree? The Liberal Party is prepared to insert this provision. We know that if this legislation is passed, a redistribution will occur while a conservative Government is in power. We also will be shackled with this provision of accountability. It is worth putting into the legislation. I would appreciate it if the minister could respond to those questions.

Mr MCGINTY: My first point is that the last few amendments have sought to change the law as it has applied in Western Australia for a considerable time. The previous amendment requiring consultation with each Independent member and the earlier amendment both sought to change a long-established principle. The provisions contained in the Bill before the House are what exist now. The Government is not seeking to depart from the current conditions relating to the office of electoral distribution commissioners.

Similarly, proposed section 16B(5), which is the subject of the discussion, requires consultation with the parliamentary leader of each party in the Parliament. That is the current requirement. The amendment seeks the additional requirement of the written consent of the Leader of the Opposition. We do not accept that. As I said during the debate over whether we should have three or four electoral distribution commissioners, we are seeking in these areas to leave the process of the electoral distribution commissioners as it is. The process of appointing a new member when the office of Government Statistician is vacant is that which is laid out in the Bill. That is the current practice.

Mr Birney: What is wrong with securing the consent of the Leader of the Opposition to ensure that a non-partisan person is appointed?

Mr MCGINTY: One argument against that has already been put by the member for Pilbara. In the same way as the Opposition wants this provision to act as a constraint on political operations by the Premier of the day, so the member for Pilbara has pointed out that the Leader of the Opposition might well, for his own political advantage, refuse consent.

Mr Graham: This one is worse than that. This amendment seeks to add the words -
and shall obtain the written consent of the Leader of the Opposition.

It could reasonably be assumed from that, that the Leader of the Opposition does not have the power to withhold consent. This is just about the opposite of that argument. Whereas previously I was saying that if consultation is all that is required, and the Leader of the Opposition might give consent, and could withdraw it for political purposes, on this occasion he has no option. He has to provide written consent.

Mr MCGINTY: If that is the correct interpretation of the amendment that has been moved -

Mr Birney: How would the Minister for Electoral Affairs propose to ensure that the person appointed is non-partisan?

Mr MCGINTY: To the extent that there is no guarantee at the moment, the Government is not suggesting a mechanism to place a guarantee in the legislation, because, as was illustrated in the earlier debate, I do not know that that particular outcome can be guaranteed.

Mr Birney: It can be done by both parties agreeing.

Mr MCGINTY: That is assuming an awful lot, such as goodwill, and people not being politically motivated, if they perceive some advantage from either consenting or not consenting. It is an imperfect system, and the current law requires consultation, which can be a farce. The House has already seen one example of that tonight.

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Properly conducted consultation should not be of that nature. The Statistics Act 1907 has in it the office of Government Statistician, which is a state government office. I am advised the practice is that the head of the Australian Bureau of Statistics in Perth is appointed to the state office of Government Statistician. So long as there is a head of the ABS in Perth, that person would be appointed, so it might well be that this whole debate is not about a great deal, because an independent commonwealth officer would normally be appointed to this position. That is how it has happened historically. We would all want to include provisions that would prevent political hacks or inappropriate people being appointed. I do not have a foolproof formulation, and I think other minds in the past have applied themselves to it and equally failed.

Mr BARRON-SULLIVAN: The minister says that we would all want to prevent political hacks and people like that from sneaking into a position such as this, and if the minister is happy to do so, I would be quite happy to adjourn debate on this matter at the moment. The minister could talk to his advisers, who are not here tonight, and frame an amendment that improves the one put forward by the Liberal Party. If the minister is sincere about that, I am quite happy to take him up on it and allow him to come back tomorrow with an amendment.

Mr McGinty: My answer is to leave it the way it currently is.

Mr BARRON-SULLIVAN: That obviously flies in the face of what the minister said a moment ago, when he said he was quite happy to see something happen to prevent political hacks getting into the system. Although this provision is not in the current legislation, it does not mean it should not be fixed up, especially considering the possible ramifications that could arise as a result of other changes in the legislation, particularly later on, when we start talking about projecting forward four years to draw up the quotas, and things of that nature.

This new legislation will have a fair degree more scope for potential manipulation for political gain than the Electoral Distribution Act. As I said earlier, the Liberal Party has every confidence in the three proposed electoral commissioners. I have been more than impressed by the impartiality of the present Electoral Commissioner. However, we would be concerned if the Government Statistician were ill and the Premier were to put in a replacement who was either blatantly or subtly biased in his approach to this position. If we put a political hack in charge of the situation while this provision is in the Electoral Distribution Act that would be bad enough. However, if this legislation were passed, it would be far worse.

Regarding the technicality the member for Pilbara raised, the wording is correct. It is the same as the wording in proposed subsection (5) now in relation to consultation. The very first word in the paragraph is "Before". It provides that before making a recommendation the Premier shall consult and shall obtain the written consent.

It is not that the Leader of the Opposition must provide written consent. Before marking a recommendation he shall obtain the written consent of the Leader of the Opposition. Obviously if the Leader of the Opposition were to withhold that written consent, the Premier would be unable to make that recommendation.

There is a range of degrees of accountability. I could argue that if this situation arose and the Leader of the Opposition were to irresponsibly not agree to a recommendation and put a spanner in the works, the next day mainstream media would run the story and the Opposition would be vilified. The open accountability of the system within which we operate would take effect. The bottom line is it would be very difficult for a Leader of the Opposition to abuse a provision such as this. That concern would be difficult to envisage in reality.

If there were any way of making this amendment more concise we would be happy to take suggestions on board. If any of the Independents or the Leader of the National Party thinks it should be extended to include others in this Chamber, we would be happy to accommodate that. We are seeking an easy and workable way of ensuring that the Government of the day is accountable for its actions in this important matter.

In 1947 when this amendment was introduced to provide for electoral commissioners, it was a milestone. The series of amendments being moved by the Liberal Party are designed to improve and strengthen the independence of our electoral system and to take it beyond the reach of not only the Labor Party but also the Liberal Party the day we find ourselves back in government.

Mr TRENORDEN: I was in the Chamber during the event referred to by the member for South Perth. Premier Dowding did not bother to walk across the floor; he called for attention and said, "Do you have any disagreement?" The question about consultation is important; it has connotations both ways. As valid as the argument is of the Deputy Leader of the Opposition, "consultation" can be used as a throwaway line.

This is not an A-grade issue for me. One would hope that the events that occurred when Peter Dowding was Premier will not re-occur. I have not gone through all the different definitions of "consult", but I hope the

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Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Ross Ainsworth; Mr Max Trenorden; Mr Jeremy Edwards; Mr Jim McGinty; Mr Pental; Acting Speaker; Dr Geoff Gallop; Chairman; Mr Arthur Marshall; Mr Terry Waldron; Deputy Speaker; Mr Larry Graham; Dr Janet Woollard; Mr Colin Barnett; Mr John Kobelke; Speaker; Mr Rob Johnson; Mr Rod Sweetman; Mr David Templeman; Dr Elizabeth Constable

definition given by the member for South Perth is a consistent one to which there would have to be a response to the question other than “that’s it”. That was the event outlined by the member for South Perth.

Mr Pental: The dictionary states that to consult is to take advice from. One can take advice and then promptly ignore it. It does not mean a lot.

Mr TRENORDEN: It does not mean a lot but it does do a great deal of damage to this House and the standing of each member in the community. One hopes that these things would not happen but, as the member for South Perth has said, they do happen. I want the Deputy Leader of the Liberal Party to know that I will not move an amendment to include the National Party.

Amendment put and a division taken with the following result -

Ayes (17)

Mr Ainsworth	Mrs Edwardes	Mr Sullivan	Dr Woollard
Mr Barnett	Mr Johnson	Mr Sweetman	Mr Bradshaw (<i>Teller</i>)
Mr Birney	Mr Marshall	Mr Trenorden	
Mr Cowan	Mr Masters	Mr Waldron	
Mr Day	Mr Pental	Ms Sue Walker	

Noes (29)

Mr Andrews	Mr Hyde	Mr McRae	Mrs Roberts
Mr Bowler	Mr Kobelke	Mr Marlborough	Mr Templeman
Mr Brown	Mr Kucera	Ms Martin	Mr Watson
Mr Dean	Mr Logan	Mr Murray	Mr Whitely
Mr D’Orazio	Ms MacTiernan	Mr O’Gorman	Ms Quirk (<i>Teller</i>)
Mr Graham	Mr McGinty	Mr Quigley	
Ms Guise	Mr McGowan	Ms Radisich	
Mr Hill	Ms McHale	Mr Ripper	

Pair

Mr House

Dr Gallop

Amendment thus negated.

Mr GRAHAM: I move -

Page 4, line 5 - To delete “57” and substitute “49”.

The Leader of the House said that if I was prepared to move this amendment this evening and speak to it in a limited way, the Minister for Electoral Affairs would make a short response that would give him the call tomorrow, and we could all toddle off out of the House and resume tomorrow.

Debate adjourned, on motion by Mr McGinty (Minister for Electoral Affairs).

House adjourned at 1.12 am (Wednesday)
