CONSTITUTIONAL AND ELECTORAL LEGISLATION AMENDMENT (ELECTORAL EQUALITY) BILL 2021

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 12: Section 10 replaced —

Debate was interrupted after the clause had been partly considered.

Ms M.J. DAVIES: I think the Attorney General was on his feet when debate on clause 12 was interrupted. The Attorney General was on the phone and looking at some notes. He was about to table his phone!

Mr J.R. QUIGLEY: It is all written down, so I can table only the notebook. While we were here, apparently, the commissioner was watching the proceedings and so he texted and said that there would be a returning officer for each district and that none of those officers was permanent at the last election. They were all casual employees at the last election. Generally, they are brought on as contract employees for the term of the election. Those returning officers will be deputy returning officers for the relevant region. They can take nominations but they will not be involved in the count process. In respect of resources, we have one returning officer for the whole of the state. The Western Australian Electoral Commission will appoint, with a new contract, as many of the district returning officers as are needed when the deputies are required. The Western Australian Electoral Commission will identify any need for additional resources closer to the 2025 election. It is not possible to predict the exact resourcing at this time. There will be five spare returning officers for the regions, obviously, because they will not be required when it is a whole-of-state electorate. There were six returning officers—one for each region—so five will be freed up that the WAEC will not have to employ. That is my information from the Electoral Commissioner.

Clause put and passed.

Clauses 13 and 14 put and passed.

Clause 15: Part IIA Division 2 replaced —

Ms M.J. DAVIES: As I understand it, the statewide electorate is established under clause 15.

Mr J.R. Quigley: A key provision in the bill.

Ms M.J. DAVIES: It is a key provision in the bill. We have seen the deletion of the regions in the definitions, but this clause creates the statewide electorate. Firstly, I want to confirm that this is the clause under which the government will put into effect the abolition of the regions in the Electoral Act, so there will no longer be the Mining and Pastoral Region, the Agricultural Region, the South West Region and the three metropolitan regions; it will be a single, whole-of-state electorate. I will run through some of the criticisms and ask the Attorney General to respond to them.

Amongst the submissions made to the Ministerial Expert Committee on Electoral Reform, whose recommendations the government has endorsed, some criticisms were made of the statewide model that the committee put forward. These included that it would not take into consideration the geographical, cultural and economic needs of regional WA, and that the quota needed to be elected would be very low. This model will deliver a 2.63 per cent quota, which is about 38 000.

Mr J.R. Quigley: I would have thought it was about 45 000.

Ms M.J. DAVIES: The Attorney General is going to make me do maths on my feet!

Mr J.R. Quigley: I think there are about 1.8 million voters, and one per cent of that would be 18 000, and twice that would be 36 000, plus another 9 000 takes it to about 45 000 or 46 000.

Ms M.J. DAVIES: We will go with 2.63 per cent and I will accept the Attorney General's maths!

Mr J.R. Quigley: There mightn't be a full turnout.

Ms M.J. DAVIES: Correct. One of the criticisms of the statewide model is that the quota for election is somewhat lower than what we have now. One of the government's driving narratives has been to ensure that we do not see a replication of the election of the Daylight Saving Party. I do not mean the Daylight Saving Party itself, but parties elected on a handful of votes. Let us be a bit more specific about that, because I have no issue with the Daylight Saving Party gentleman; he was elected under the system we currently have and I am sure he is acquitting his duties well. But the narrative that the government has run to bring this piece of legislation to Parliament is that it is seeking to try to address the fact that we might end up with members of Parliament elected on a handful of votes. Some of the submissions outlined very clearly that there was an opportunity for that to occur. The other

criticism was about the ballot paper being complex and unwieldy. That was noted by the ministerial expert panel as well.

Those are some of the criticisms of establishing a whole-of-state electorate that have been presented by people who have engaged in the process so far. Perhaps the Attorney General could provide counterarguments that go to not taking into consideration those geographical, cultural and economic needs of regional WA, which I think is a strong argument; the quota for election being low and therefore contrary to the purported intent of the bill, which is to prevent people from being elected with a small number of votes; and, as I talked about in my contribution to the second reading debate, the fact that the ballot paper could become complex and potentially unwieldy. I seek the Attorney General's views on that.

Mr J.R. QUIGLEY: The first matter on which I would take gentle issue with the Leader of the Opposition is that the whole narrative has been to perhaps reduce the number of micro-parties —

Ms M.J. Davies: Hopefully not my maths!

Mr J.R. QUIGLEY: No. I am a lawyer; we are not renowned for that either.

However, the Leader of the Opposition put that one of the narratives is that it will limit the number of micro-parties in the Council. No; the narrative is plain and simple. What has pulled this all together is equality of voting. As soon as we go to equality of voting, two systems were posited by the ministerial expert panel. The first system involves four regions of nine members each, with one region covering the country. The quota there would be nine into 100, so it would be closer to 12.2 or 12.5 per cent. That is for a regional-based model. I have explained to the Leader of the Opposition why the committee, in its own reasoning, said that the preferred model was a whole-of-state electorate. The argument was that the 27 people in the three metropolitan regions might not focus on the outer regions and the bush, as we colloquially call it, but with 37 members in a single electorate, they would all have to have their mind on that. That is what Mr Jack Gregor and the Commission on Government, which was established by Premier Richard Court, strongly recommended. The Council is a house of review. It should not just replicate what is in this chamber; its members should cast their eyes over the whole state. That was the first issue. We are going to the whole-of-state model because it offers true equality and will have all members focused on the whole state.

One of the concerning factors in going about this is the quota of 2.63 per cent, which is a lot less than the current situation, in which six into 100 comes out at about 15 per cent. This should give the Leader of the Opposition a lot of encouragement. If the National Party was running in a whole-of-state electorate, for example, I would not want to see the Leader of the Opposition running up a flag like the previous Leader of the Opposition did and saying, "We can't win" or "We can't be competitive", or whatever. As the official opposition, National Party members must speak on health and education. All those matters are in the interests of the whole state. Under the current system, the Nationals are represented by three members in the Council. Under the new system, at 2.63 per cent, we would have to think that an opposition could crack 10 per cent of the whole of the state. There is an opportunity here for the Nationals to increase their representation. It does not just have to be micro-parties; it could be any party. A party has to get multiples of 2.63 per cent. If a party got nine per cent, it would get three full quotas and in on the fourth, so the Nationals would increase their representation.

Mr D.R. MICHAEL: I would like to hear more from the minister.

Mr J.R. QUIGLEY: There would potentially be more Nationals in the upper house than currently, but each of those Nationals would be elected on one vote, one value. They would have to get only nine per cent and they would be in front of where they are at the moment. For an opposition not to think it could get nine per cent of the vote is a very dismal thought. The committee noted that under this system, as there is under the present system, there will always be some micro-parties sitting on the crossbench. It is not a bad thing for a democracy for other parties to get a look in to be represented in this Parliament. That is not a bad thing, but it will mean that the government of the day will always have to deal with its own members and a mixture of the crossbench.

I hasten to add that this system is not designed as a power grab by Labor.

Ms M.J. Davies: You have just spent the last eight minutes talking about whether or not there will be success for political parties, as opposed to the regional question or representation.

Mr J.R. QUIGLEY: I am talking about the regional question. I said that the Nationals would have to get only nine per cent.

Ms M.J. Davies: I am glad that you acknowledge that the Nationals are a regional party.

Mr J.R. QUIGLEY: The Nationals would have to get only nine per cent and they would be in front of where they are now. In a whole-of-the state election, the opposition would have to get only nine per cent and it would be in front where it is now. As the expert panel noted, there will be some minor parties in the upper house. That is democracy. It is going to be who gets the most votes gets elected. If we designed a system to give one side

a decided advantage, upon assuming government, the opposition would have to reverse it, because it was designed to give only one party an advantage, whereas if we introduce a system that is patently fair—I note the Leader of the Opposition's criticisms of it—and one vote, one value cannot be challenged as being unfair, we will get a system that endures, because people will not want to change and go back to a gerrymander. It is the same as when the franchise in the Legislative Council was amended and the female spouses—think about it—of landowners were allowed to vote. That happened years down the track from Federation; I think it was in the 1920s. The franchise was that if someone was female, to vote in the Council they had to be the spouse of a landowner. That was unfair. It was changed and who would want to go back there? I predict that no-one will want to go back, including the National Party, once this system is introduced. The rhetorical questions I pose, and I could wait until the third reading debate, are: When the Nationals come to government—these things change; no-one is the government forever—will they promise the people of Western Australia a return to a regional-based model? Will they go back and say that they want six regions and they want the outcome that got them three members in the Council? I doubt it very much, once it is working.

Ms M.J. DAVIES: It is interesting that the question, from my perspective, was around the criticisms of the statewide modelling. These are not my words; they are from submissions that were made. The modelling does not take into consideration the geographic, cultural or economic needs of regional Western Australia. The answer the minister just provided belies the fact that this is absolutely about the Labor Party embedding its numbers in the Legislative Council. The minister spoke at length about the number of seats that we might win as an opposition, or that the National or Liberal Parties and micro-parties might win. My great concern, believe it or not, is that there is a voice for regional communities in that chamber. The current system actually specifically acknowledges that there are some challenges in Western Australia given our geography and the fact that we have such an enormous state with a disparate spread of our population. It does not necessarily reflect what happens in this house because there has always been a difference. The Labor Party is enjoying this absolute majority in both houses at the moment but that is quite unusual. Earlier in the argument, the minister used the —

Mr P. Papalia: Quite unusual?

Ms M.J. DAVIES: It is. The Labor Party has not had it —

Mr J.R. Quigley: We've never had it.

Ms M.J. DAVIES: That is right, and —

Mr P. Papalia interjected.

Mr V.A. Catania interjected.

Ms M.J. DAVIES: We are going to have another night with Punch and Judy chiming in.

Mr V.A. Catania: Go to the members' bar and have a drink.

Mr P. Papalia: Unlike you, I don't get drunk in this place.

Ms M.J. DAVIES: Oh, wow.

The ACTING SPEAKER (Mrs L.A. Munday): The Leader of the Opposition is speaking, please.

Ms M.J. DAVIES: The point I was about to make is that although there have been occasions when there has been control of the other house by what you would call the conservative side of government, it is still not one party. No matter what, there is always a tension between an alliance, or two political parties that form government, to make sure there is still some robustness in the Legislative Council, which I think enhances and improves the outcomes. When we apply the numbers from the ministerial expert panel and apply them to the last election, which I truly hope, from this side of the house, was an anomaly, there is still a significant advantage to the Labor Party.

I preface all my arguments on the opposition coming to this place to try to get a good outcome from a regional perspective and to make sure that voice continues, and that the geography and diversity is still represented in the other house. I feel that less weight has been put on some of those submissions that were made to the ministerial expert panel. Because they aligned to the position that the Labor Party had prior to the election, and has been long held, they were discounted on a flippant response that we cannot argue it is fair and that one vote, one value is fair. We absolutely make the argument that, although it rolls off the tongue easily, equality is not necessarily equity. We have made that argument again and again in the second reading debate. When we are imposing this whole-of-state model, I think the challenge will be that regional voices will be diminished. I will not belabour that point further because I think we have made it again and again.

I asked a question about the complexity of the ballot paper and whether it will be unwieldy. I would like to hear the minister's views on it. I know there are sections further on about how that will look, but again we are going to

impose a statewide model. This is going to be a consequence of that model. Would the minister like to deal with that now or in a future clause?

Mr J.R. QUIGLEY: Both now and then, and then in more detail than now—the Leader of the Opposition referred to the infamous tablecloth ballot paper in New South Wales—the committee discussed that with the Electoral Commissioner of New South Wales; with Mr Antony Green, the election commentator who was highly critical of the size of the ballot paper; and the Electoral Commissioner of South Australia, which has a whole-of-state model. From the ministerial expert panel, we drew the conclusion that there should be provisions in the act that will not prohibit but filter out those non-genuine candidates who go on the ballot paper without even a faint hope of being elected, although they could under the group voting ticket. The committee advised this and we have demurred from some of its advice to put some steps in place to make it that only genuine candidates are more likely to nominate.

Some of those steps were, firstly, requiring individual declarations. That is not just the party office writing off and saying "We've got 500 members"; it is having a form that the commission will approve. The person has to declare on that form that they are a member of the party. That form will have a warning on it that there is an offence provision in the act for making a false declaration. That party will have to have 500 unique members who declare. They cannot declare for any other party. Five hundred of these forms will have to be filled out. It will say on the form "I consent to the commission ringing me to check on my current party status." I have checked with the commission as to its capacity to conduct audits. I am told by the commission that it is within its current funding capabilities to conduct those audits. That is not to check every declaration, but to do what auditors do, which is to conduct random spot checks.

Secondly, there will be a significant uplift in the nomination fee for a party, which will go up to $2 000. That will be for every candidate who nominates so that we do not just get people who say "I'll give it a fling" and they put their name on the ballot paper. It will be another $2 000 for each individual candidate, capped for a party at $10 000; because the Nationals might want to nominate 10 people in a statewide election. Only the first five candidates will have to pay $2 000. They will get $2 000 back only if they are elected to the chamber, or their group—which would protect the Nationals—gets four per cent of the vote. Anyone who is not elected does not get their deposit back. That was another step that was taken.

A third step that has been taken to stop, in the last rush to the election, parties suddenly forming and appearing on the ballot paper, is that their application for registration must be made no later than 12 months prior to the election so that the commission has plenty of time to do its auditing—checking everything to make sure that it is a genuine party. All those measures are designed as a disincentive for those people who are not true candidates but just want the thrill of being on the ballot paper and giving it a run.

Finally, there are things about the design of the ballot paper that I said I would deal with in more detail then and now. We will deal with the details of the design when we get to the clause, if that is all right, Leader of the Opposition.

Ms M.J. DAVIES: Sure.

What discussions did the government have—not the ministerial expert committee, but the Attorney General's office and those who were advising him—with other jurisdictions about this whole-of-state model? I recognise that Western Australia is somewhat different in size and that every jurisdiction is different. Has the Attorney General relied solely on the ministerial expert committee and its work or have there been discussions about the technical and practical aspects of a whole-of-state model from Parliament, government, management and finance perspectives—all those aspects?

Mr J.R. QUIGLEY: Is the Leader of the Opposition asking what discussions the government posed to the ministerial expert committee?

Ms M.J. Davies: Yes.

Mr J.R. QUIGLEY: Before the commissioning of the ministerial expert committee, I was in my office scratching my head about what needed to be done. I understand that my principal policy officer in this area, Ms Marion Buchanan, made some phone calls to the New South Wales and South Australian electoral commissioners to see what the issues were. I do not recall having discussions with them or with Antony Green. I received a letter from Malcolm Mackerras; I invited him to ring me but he never did. Once some of the issues were thrown up, my principal policy officer came to see me. I did not have independent discussions with Mr Green or with those jurisdictions that have Electoral Commissioners.

Ms M.J. DAVIES: It is a fairly substantial change to the way we do business. Does the Attorney General not think it would have been appropriate to seek that formal advice to inform cabinet while making that decision about some of the challenges that might present rather than just taking, I guess, the policy idea but having something specific for us to understand what the implications might be?

Mr J.R. QUIGLEY: As a minister, I cannot travel at the moment.

Ms M.J. Davies: I think we have all overcome that with Zoom.

Mr J.R. QUIGLEY: But we cannot go to the New South Wales Electoral Commission and sit down in a boardroom with its returning officers and the commissioner and ask what it is all about.

Mr R.S. Love: You have Zoom.

Mr J.R. QUIGLEY: Yes. I thought it was far more judicious to have the experts engage with these people because they could do so at length. The three professors are experts in the area. I have heard the criticism of the professors before, but they have written papers on this. They have been in contact with Antony Green before and with Malcolm Mackerras before, which is obvious from the letters that circulated last year from these experts. I thought it was far more judicious and profitable for Western Australia's leading jurist and the three professors to engage with these people at length and come back to us—far more profitable. That is what we did and took advice from the ministerial expert panel, from which we diverged because we uplifted the amount of money for nomination. I think the expert panel said that to mitigate the spread of the ballot paper, it should be raised from $250. The panel did not actually give a figure but suggested maybe $1 000, but it reported back that South Australia, which is a small state, had $3 000. I think the Senate had $2 000, so I thought a policy decision had to be made. We demurred from the expert panel on that. I do not know what other areas we demurred from.

The ministerial expert panel said that if a group or party wants a possie on the valuable real estate above the line, because only 2.5 per cent of people vote below the line, it has to be a genuine party. A party could not put one below the line to get a spot above the line. The ministerial expert panel suggested three. I thought that if a party is going to be a dinkum party in a state the size of Western Australia, it must have 500 members, and that is in the bill. As I said, we raised the $250 nomination fee to $2 000 but the panel suggested $1 000. I told the member why; South Australia has $3 000 to keep its ballot paper at a reasonable size.

Ms M.J. DAVIES: Thank you, minister. I understand that the minister has relied heavily on the Ministerial Expert Committee on Electoral Reform. With the greatest of respect, they are not members of Parliament. They are not practitioners. They are not the people who need to live in the regions. They do not understand the peculiarities of our system and that was very well explained by our member in the Legislative Council Hon Martin Aldridge. A number of those panellists wrote to our elected members before the election and urged us to consider reform to the Legislative Council on the basis of one vote, one value. Hon Martin Aldridge wrote back and said that he was very happy to consider this if they would come and spend a day in his shoes as a member for the Agricultural Region. The great concern that we have is that that panel provided the advice that the minister has relied on, as he just explained, without talking to other electoral commissioners or dealing with the practicalities of other members of Parliament in other Parliaments as to how this impacts what they need to do to acquit their roles.

We are relying on people, albeit very smart people—I have no doubt—who are not practitioners. They are academics. We need to balance everything that comes from the world of academia with a sense of reality, and the sense of reality that we as regional MPs have is that it is very hard to service those electorates already and I just cannot understand how we are going to have genuine regional representation. The minister has used the words "genuine regional representatives" in Parliament under this whole-of-state model already. I still do not quite understand how we will determine that for the purposes of funding or how those representatives will be supported to provide that assistance because the ministry said that all 37 members will be required to do that. That in itself throws up some questions. I am very concerned that the ministerial expert panel, which was very hastily put together in a short period of time, is made up of people who are not practitioners of what we do in this place. I spoke about it before. The Salaries and Allowances Tribunal is also charged with a very important job, but I know there is great frustration in trying to explain, as not just a regional member but an MP in general, the peculiarities of what we do to the tribunal and how we need to be supported to acquit our role.

The question from my perspective is: was it a predetermined outcome that we were going to end up with a whole-of-state model? Some other eminent academics made submissions to the ministerial expert panel and it seems that their views were discounted. Antony Green said that a regional model should be sought to be achieved. He has very strong views about malapportionment and he suggested that a state the size of Western Australia could have considered specific regional representation. I just wonder whether there was a predetermined outcome for us to arrive at that whole-of-state electorate model and the expert panel was simply there to provide that front and some well-argued and reasoned but ultimately flawed reasoning to go down this path to deliver us to this clause, which is that we now have a single electorate with 37 members.

Mr J.R. QUIGLEY: I can assure the Leader of the Opposition that it is not the case that there was a predetermined outcome. I can assure the Leader of the Opposition that the debate within government kept going and going and there were arguments either side. I can assure the Leader of the Opposition that this was not a predetermined outcome or that the cabinet knew prior to the report of the ministerial expert panel what its preferred option was. As to the

panel members having a knowledge of the regions, it is one of the very reasons that I chose our former Governor Mr Malcolm McCusker, CVO, QC. I chose him because everyone knows that he travelled extensively through the regions throughout his tenure as Governor. The member for Roe knows that, because he knows the former Governor very well, and he knows the travel undertaken throughout the regions by the Governor, often in company with his wife and even little Mary when she was not in full-time secondary school. I am satisfied that the leader of the expert panel was well-versed in both the spread of cultural differences in Western Australia and the challenges faced by the regions. He visited them regularly and he has been a Western Australian all his life. I will not say what his age is now, but he has spent many years in this state. Of course, he owns vast holdings in the regions, as the member for Roe knows. He holds vast holdings in the regions from Calingiri—it is Calingiri, is it not?

Mr P.J. Rundle: That's it.

Mr J.R. QUIGLEY: The member for Roe confirms it is Calingiri. He has holdings from Calingiri through Chittering down to Margaret River. He is well-versed in the challenges of the regions. The other members of the committee, as the member said, are expert in public law. There was not a predetermined outcome. I thought by going to independent experts we would get an independent opinion, and not members of Parliament who inevitably put their self-interest first and will come up with a system that best protects their position or their party's position. We did not want that. When members opposite and the member for Central Wheatbelt challenge where the regional people will be standing, they should have a look at how the regional people in the Council will vote, not because they are compressed into doing this by their party, but because they are true believers in electoral equality. There is no predetermined outcome.

Mr P.J. RUNDLE: Further to that, does the Attorney General not find it strange that despite the former Governor's regional experience, he did not take the other three metropolitan members of the committee out into the regions to get the grassroots opinions, especially considering that he confirmed that of the 184 submissions, a lot of the regional ones were not really taken into account because they did not fit into the committee's terms of reference?

Mr J.R. QUIGLEY: No, and nor did the committee reject those submissions because they did not fit within the terms of reference. What the committee observed was that a lot of these submissions were from a template that had been prepared by the Western Australian Local Government Association, and people were picking up the template and sending it off. For example, of the 184 submissions, 24 were from WALGA and local government shires. The submissions from WALGA's Great Eastern Country Zone and the Regional Capitals Alliance WA were virtually identical, so whether they were from the Regional Capitals Alliance or the Great Eastern Country Zone, they were the same submissions. Understandably, the committee puts less weight on photocopied template submissions than on an original thought on the matter, because all it is doing is reading 24 of the same letter, "Yes, we get that point." Other shires appeared to have copied directly from the WALGA template, including the Shires of Trayning, Kulin, Bruce Rock and Mt Marshall. The Shires of Narrogin and Boyup Brook also relied upon a joint template. The Shire of Chapman Valley and the City of Karratha at least indicated that they relied on the submission put forward by WALGA and did not simply copy the template and put it forward as their own work. They said, "We're relying on WALGA's submission." It was not that those submissions did not fit within the terms of reference. When a committee weighs submissions, what weight does it give something that is just a template that everyone has signed? It is like a petition that comes to this Parliament. One might give more weight to or take longer to consider an original work, not just because it is an original work, but because one is dealing with new ideas in that work. In addition, the submissions were quite varied on how they addressed the terms of reference. Some submissions from the regions favoured a model of four regions with nine members each. Some said that there should be two regions with 18 members each. Five submissions called for the abolition of the Council, 29 favoured keeping the existing system—that is, 29 out of 184 submissions—and eight favoured a threshold for a member to be returned at an election. That was given consideration. Do candidates need a minimum vote to get in? There is a problem there. If the last seat is going to be filled by a partial quota and the person does not reach the threshold, the election will fail because there will be an empty seat in the Council. I would be called a mug for rewriting the act but being unable to run a successful election! A minimum requirement had to be abandoned.

Eight submissions favoured half terms. We have 22 members of the Council, and that would mean at the next election only 11 of our members would be retiring, so it would be years—at least a further eight years on top of this four-year term—before the conservatives had a look in at having a majority in the Council. Four submissions favoured mixed member proportional representation similar to New Zealand and Tasmania, and eight submissions called for doing away with preferential voting. I was saying that there are 22 Labor members, not 22 members of the Council. I thank my adviser for that. If it were only a half-chamber election, we would still have 11 members in the Council and it would take the opposition years to wear us down—that is not right. Once the public go to a vote, and they want to refresh Parliament, they should be able to refresh the whole Parliament. There was universal support for dropping the group voting ticket.

There was certainly no effort by the committee or others to restrict submissions or outcomes to the terms of reference. This was not a put-up job.

Ms M.J. DAVIES: I was going to ask this question later but the Attorney General has just touched on the reason he was not in favour of staggered terms. Was consideration given to reducing the number of members of Parliament as part of this whole-of-state model?

Mr J.R. QUIGLEY: It flashed through my mind before the Ministerial Expert Committee on Electoral Reform was convened. Of course, as soon as the committee started looking at it and giving me advice, I found we could not do it. As I said, when Sir Charles Court changed the rules —

Ms M.J. Davies: You have an absolute majority in both houses.

Mr J.R. QUIGLEY: That is not enough.

Ms M.J. Davies: It is not enough?

Mr J.R. QUIGLEY: No. To reduce the number of members —

Ms M.J. Davies: You've got to have a referendum—sorry.

Mr J.R. QUIGLEY: Yes. He had an absolute majority and he used the absolute majority —

Mr R.S. Love: He didn't want that. He did not want to go to a referendum.

Mr J.R. QUIGLEY: He did not want to go.

Mr R.S. Love: You did not want to.

Mr J.R. QUIGLEY: He did not want to go either. He wanted to oppose a referendum going forward.

Mr R.S. Love: Yes, but you could have gone to 31 or 35.

Mr J.R. QUIGLEY: It depends what question is put at a referendum. A referendum could be put to wipe out the Legislative Council. There is only question for a referendum, and the result is a foregone conclusion. Everyone has an equal vote in the referendum and the question is: do you all want an equal vote come the election? I have no doubt what the metropolitan area would vote—no doubt—and I do not know that we would end up with a system as good as the one we are proposing today.

Ms M.J. DAVIES: There is a reason to consider reducing the number of seats as part of this whole-of-state election, instead of what we are seeing, which is an increase. Ordinarily, as I mentioned in my second reading contribution, there would be an uproar if we are adding members to Parliament. The Attorney General is not prepared to take it to a referendum and give the people of Western Australia the opportunity to have their say on something that will fundamentally change the way that we elect members of Parliament and their representation. It was essentially because the government was not prepared to take it to a referendum, which is pretty challenging, given that the Labor Party was not talking about it before the election. It could have gone to a referendum. The Attorney General seems fairly confident that it would have been supported. No matter what the question was, at least there would have been an opportunity for the arguments of both sides to be made in an open and transparent way instead of this legislation being pushed through Parliament at very short notice. Nobody had any idea that this was going to be progressed. The government could have achieved what the Attorney General just said—a reduction in the numbers—and that would have given the people of Western Australia an opportunity to have their say on whether we should move to a whole-of-state electorate and make the changes that will ultimately impact them.

Mr J.R. QUIGLEY: I am happy to answer that. There is precedent for all this. As I said in my second reading speech and in my reply to the second reading debate, when the conservative parties are in government, they feel free to change both the Constitution Act 1889 and the Electoral Act 1907 without a referendum. Sir Charles changed the Constitution Act —

Ms M.J. Davies: You're going a long way back.

Mr J.R. QUIGLEY: Yes, but that change set the rules and we still have those rules. It does not matter how far we go back because the Constitution is the Constitution. Sir Charles altered the Constitution without a referendum. That alteration was that any further alteration in this area would require a referendum. He let himself into the constitutional room, rejigged things, and on the way out he locked the door and said that before anybody else could get back in to recalibrate the Constitution, they would have to have a referendum. He would not have a referendum before he did that, but he made it so that a referendum would be required going forward. He did not hold a referendum. Similarly, on two occasions, former Premier Mr Barnett changed the rules in the Electoral Act without holding a referendum because his government had an absolute majority here and an absolute majority in the other place.

Mr V.A. Catania: Didn't the Labor Party agree? You supported it.

Mr J.R. QUIGLEY: That happened in 2011 and 2014. It does not matter whether we supported the referendums; the whole proposition is that there is no referendum. We were a reasonable opposition. We saw what Mr Barnett

was doing. We invite members opposite to behave in the same reasonable manner. Let us do the rest of the clauses and get out of here.

Division

Clause put and a division taken, the Acting Speaker (Mrs L.A. Munday) casting her vote with the ayes, with the following result —

Ayes (34)

Mr S.N. Aubrey	Mr M. Hughes	Mr Y. Mubarakai	Dr K. Stratton
Mr G. Baker	Mr H.T. Jones	Ms L.A. Munday	Mr C.J. Tallentire
Ms H.M. Beazley	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr D.A. Templeman
Ms C.M. Collins	Ms A.E. Kent	Mr P. Papalia	Mr P.C. Tinley
Ms D.G. D'Anna	Dr J. Krishnan	Mr S.J. Price	Ms C.M. Tonkin
Mr M.J. Folkard	Ms S.F. McGurk	Mr J.R. Quigley	Ms S.E. Winton
Ms K.E. Giddens	Mr D.R. Michael	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms M.J. Hammat	Mr K.J.J. Michel	Mr D.A.E. Scaife	
Ms J.L. Hanns	Mr S.A. Millman	Mrs J.M.C. Stojkovski	

Noes (5)

Mr V.A. Catania	Mr R.S. Love	Mr P.J. Rundle *(Teller)*
Ms M.J. Davies	Ms L. Mettam	

Clause thus passed.

Clause 16: Part IIA Division 3 heading amended —

Ms M.J. DAVIES: I assume that these amendments flow from what we have just decided, which is that there will be a single electorate, so we see the loss of the reference to "regions" throughout the bill. Can the minister confirm that that is what is happening in clause 16?

Mr J.R. QUIGLEY: That is quite correct. Clause 17 replaces section 16E, dealing with the redistribution of boundaries. Which clause are we on?

The ACTING SPEAKER: Clause 16.

Mr J.R. QUIGLEY: Sorry; I went down to clause 17. We are removing the division 3 heading. The others follow from that. We are taking out "and regions" out. We are deleting that because there will only be districts. In clause 17, we will deal with the redistribution of districts rather than the regions. I am one clause ahead. Clause 16 is very simple. We are striking out the words "and regions".

Clause put and passed.

Clause 17: Section 16E replaced —

Ms M.J. DAVIES: I know that the minister jumped ahead. I am assuming—perhaps the minister can clarify this—that this clause relates to the redistribution. Has anything changed? It states —

> … in accordance with this Part as soon as practicable after the day that is 2 years after polling day …

I assume that is when the proceedings for the redistribution start and it is being amended to take into account that we will no longer have regions in the Legislative Council. Can the minister clarify that that is all that clause is doing?

Mr J.R. QUIGLEY: I can confirm that. Clause 17 replaces section 16E, dealing with the redistribution of boundaries to reflect that the state will be divided into districts only rather than districts and regions. In accordance with part 2A, as soon as practicable after the day that is two years after polling day for each general election for the Assembly, because the Council electorates will be whole-of-state electorates and therefore no redistribution is required. That is correct. I confirm what the Leader of the Opposition put.

Clause put and passed.

Clause 18: Section 16F amended —

Ms M.J. DAVIES: Not to be a broken record, I assume this clause is the same as clauses 16 and 17 in that we are seeing the flow-on impact of removing the word "region" from this part of the act. Has anything else been changed? Can the minister explain what that clause will achieve?

Mr J.R. QUIGLEY: That is correct, Leader of the Opposition. If we go through what will then become section 16F, as amended, "and regions" is taken out. In subsection (4), the semicolon after "fixed" will be replaced with a comma

and "the districts included in each of the regions" will be taken out. We will also delete "districts and the boundaries of the regions". It is just a consequential amendment to what we have done in clause 15, making it whole of state.

Mr V.A. CATANIA: I want some clarification on deleting the "districts and the boundaries of the regions". I want the minister to make it perfectly clear whether deleting the districts and the boundaries of the regions will have any impact on the Legislative Assembly seats in any definition in any legislation or in any way whatsoever. How will it have an impact, if it does? Can the Attorney General elaborate how it will impact on Legislative Assembly seats?

Mr J.R. QUIGLEY: Certainly. As we have noted, in the clause coming up, the metropolitan boundary will be eliminated from the Electoral Act. When there is a redistribution, leaving aside the large district area allowance for those six seats and looking just at the other 53 seats, they will have to fit within a 10 per cent above or below variance. The Western Australian Electoral Commission, when deciding those electorates on the peri-urban boundary, will no longer be constrained by trying to squash them below the metropolitan area boundary. Those electorates might spread out a bit more, and, as the population grows, they might spread even further. The member for Warnbro will tell me where the metropolitan boundary is located.

Mr P. Papalia: Mine is located at the southern end of Singleton.

Mr J.R. QUIGLEY: The metropolitan boundary is presently located at the southern end of Singleton.

Mr V.A. Catania: Currently?

Mr J.R. QUIGLEY: Currently. That will still exist. We are taking it out only for the purposes of the Electoral Act. I am sure that the member for North West Central has been to Mandurah heaps of times. When he goes down there, it is pretty hard for him to say when he drives through Singleton to Mandurah that he has left the metro area and arrived at the country when he arrives at the train station in Mandurah! As the population grows, that boundary is likely to spread. At the moment, it is more likely to have northern and southern extremities, because people are crowding on the coastal strip. That is not to say that the electoral boundary in Darling Range will not change a little bit. Come the redistribution, the Electoral Distribution Commissioners will not try to rejig and squeeze electorates into a confined area.

Mr V.A. CATANIA: I appreciate that explanation, minister. Will the deletion of the districts and the boundaries of the regions have any other effect on allowances under any other definitions of "metropolitan" or "region"? What will be the domino effect of changing or removing the districts and the boundaries on legislation other than the Electoral Act? Will this impact on the district allowance or any other government departmental ways of defining whether a member is a metropolitan or regional member or whether a member fits within a district? Does the minister know what I am trying to say?

Mr J.R. QUIGLEY: The short answer is no. We are just extracting the districts and the boundaries of the regions from the Electoral Act. It will not have an effect on other legislation. It will be up to the commissioners, as I have said before in terms of allowances, to work out what is a genuine regional member. We have 10 regional members in the Council at the moment. We will be doing all we can to ensure—I was going to say "selfishly"—that our members maintain their regional allowances, but we will not ride off and say, "Maintain the regional allowances just for Labor." The member can see that we have the motive to make a very strong submission on behalf of our 10 members, but it will be a submission on behalf of all regional members for the Salaries and Allowances Tribunal to maintain the regional allowances for regional members who are located regionally. That will be an incentive for people to maintain their office in —

Mr R.S. Love: Is that a commitment?

Mr J.R. QUIGLEY: Sorry; what is that?

Mr R.S. LOVE: I have heard several times tonight, under various clauses, about this extra allowance for regional members of Parliament. The Attorney General has indicated many times throughout this discussion that there are 10 regional upper house members of the Labor persuasion who have offices in, shall we say, areas outside what is normally considered the metropolitan area, and that after the whole-of-state electorate is enacted there will be allowances for genuine regional members. Has the Attorney General made some sort of deal with members of his party so that they will support this change in exchange for extra benefits?

Mr J.R. QUIGLEY: Definitely not, because it is not within the government's gift to give entitlements. I am not talking about gifts on the ministerial register either, member! I am talking about the gift of power to give the allowance, which is not within our powers; that is a matter for the Salaries and Allowances Tribunal. We have not given a commitment to our regional members in the Council that they will be getting the extra regional allowance. What I have said to our members is exactly the same as what I am saying to this Assembly, all the opposition members and people listening: this government will make a strong submission to the Salaries and Allowances Tribunal that those 10 members and

all genuine regional members will have their allowances maintained. I have already said this, and I shall repeat it: that letter will go not from me but from the Premier; Treasurer to the Salaries and Allowances Tribunal —

Mr R.S. Love: Putting pressure on them to do as you say.

Mr J.R. QUIGLEY: — and that letter has already been drafted. We are holding onto it because we could not send it to —

Mr R.S. Love: That's the deal you've done with the upper house guys in your party.

Mr J.R. QUIGLEY: It is not a deal. We are telling them the same thing as we are telling the opposition here this evening: Western Australians want regional members to have the resources necessary to be able to represent them properly.

Mr R.S. LOVE: Earlier tonight the Attorney General indicated some disparity in the distances from Perth between certain regional upper house members. One of the names he mentioned was Hon Martin Aldridge, whose electorate office is in Bindoon; I think the Attorney General's words were "almost in Perth". This was when we were discussing the regional boundary no longer being included in the act, and how "regional" would be determined. How will the Attorney General determine what is regional and what is not? Will it be a matter of distance from the Perth CBD, for instance? That would mean that Bindoon would no longer be considered regional, while Northam, where Hon Darren West has his office, would be because it is a little further out. To look at another benefit, the patient assisted travel scheme is available for people in Northam, but it is not available for people in Toodyay, Bindoon and Gingin, in my electorate, because they are a little too close to Perth. I am wondering whether that was not a veiled reference to where the government envisages that boundary to be. If the letter from the Premier; Treasurer has already been drafted, can the Attorney General explain the government's basis for determining what is and is not a regional electorate and who will and will not receive this extra benefit for being a truly regional member?

Mr J.R. QUIGLEY: I would just like to disabuse the member of one assertion.

Mr R.S. Love: Don't abuse me; just disabuse me!

Mr J.R. QUIGLEY: I will disabuse the member of one thing that he put to me, and that was that I said Hon Martin Aldridge's office is in Bindoon and that that is pretty close to Perth.

Mr R.S. Love: You did say that.

Mr J.R. QUIGLEY: No; I made a mistake. I said that Hon Martin Aldridge's office was here in the metropolitan area.

Mr R.S. Love: No; you said it was in Bindoon.

Mr J.R. QUIGLEY: Someone corrected me and said it was up there.

Ms M.J. Davies: Yes.

Mr J.R. QUIGLEY: I wrongfully got into him and said that he was one of these ones who was in the city.

Mr R.S. Love: So Bindoon will not be excluded from being a regional area?

Mr J.R. QUIGLEY: That will be for the Salaries and Allowances Tribunal to determine.

The Deputy Leader of the Opposition is up Bindoon way. That is his country, is it not?

Mr R.S. Love: That is part of my electorate, yes.

Mr J.R. QUIGLEY: One of my closest friends has a property in Bindoon—the Passiones. I do not know whether the member knows them at all. You turn left at the road at the Bindoon pub and go down towards Mogumber Road. They have a lovely property.

Mr R.S. Love: The Bindoon–Moora Road.

Mr J.R. QUIGLEY: When I go out there for Sunday lunch at Joe's, I know I am not in the metropolitan area as soon as I get to Bindoon. I love going to Bindoon. I never go through the place without going to the Bindoon bakery and getting a family pie. You know that you are not in the metropolitan area.

These will be commonsense matters for the Salaries and Allowances Tribunal, and there can be appeals. It will determine what is a genuinely regionally based member. We do not want to take any resources from regionally based members. Equally, people used to get elected to the Mining and Pastoral Region and had their office in Harvest Terrace. Now, there will be no Mining and Pastoral electorate. Members will not get an allowance by reason of the fact that they were elected to the Mining and Pastoral Region; they will get their allowance based on where they are located.

Mr V.A. Catania: In terms of the office?

Mr J.R. QUIGLEY: I do not know whether it will be both their office and residence. Most regional people have some sort of —

Mr D.J. Kelly: Mt Claremont is not regional, though, member for North West Central.

The ACTING SPEAKER: Minister for Water, the Minister for Electoral Affairs has the call.

Mr J.R. QUIGLEY: That will be a matter of fact to turn upon. Before, even if people were on their party's ticket for a region, they could live and have their office in Perth. They were in Perth and were not a truly regionally based member, yet they could get all their allowances because they were representing a region. Now the test will be not that a member is representing a region, but whether they are a regionally based member. If a member is based out of the metropolitan area, they will need some extra resources. This government is committed to making strong submissions to the Salaries and Allowances Tribunal. It will not matter what political stripe members are; if they are regionally based, they should get their regional allowance.

Mr R.S. LOVE: That is interesting. We might tease that out a little. How regional will someone have to be? This goes back to the point that there is no definition of "region" in the legislation. If I am a freshly elected member and I put my office in Gidgegannup, will I get the same amount as if I put my office in Broome? Can the minister explain whether there will be a graduation of that? What if I put my office in Sandstone in the middle of the goldfields? How will it be determined? Does the minister anticipate a graduation between the various levels of regionality?

Mr J.R. Quigley: Of regionality?

Mr R.S. LOVE: The argument could be made that Gidgegannup is a small rural community. It is actually within the Perth metropolitan region planning area, but it shares a lot of characteristics with very small country towns just outside that boundary. Would a similar level of assistance be provided to a person there as to someone in Northam? What if someone was in Carnarvon, Wiluna or Broome? How would that be determined? Can the minister outline how that will work?

Mr J.R. QUIGLEY: I wish I was in Broome!

Ms M.J. Davies: We might all be moving to Broome!

Mr J.R. QUIGLEY: I wish I was there this evening!

Several members interjected.

The ACTING SPEAKER (Mr D.A.E. Scaife): I am sure the members of the opposition are interested in the minister's answer.

Mr J.R. QUIGLEY: I understand that the member for Moore is a regional member, but I do not think his allowances will be the same as the member for Kimberley. I think they get flight allowances and that sort of stuff in the Kimberley. It will not be exactly the same. Because of the distance of travel, the member for Moore would probably get a lesser allowance than the person in the Kimberley, but he might get an overnight allowance for Perth that would be the same expense as the member for Kimberley. Once again, this turns upon its fact. I cannot talk about Gidgegannup, because I do not know exactly where it is.

Mr R.S. Love: Talk about Two Rocks. Two Rocks is the same deal. It is a small community that is essentially isolated. It is in the minister's electorate, but it is isolated from anywhere. It is a little town, basically.

Ms S. Winton interjected.

The ACTING SPEAKER: Member for Wanneroo!

Mr J.R. QUIGLEY: The member for Moore obviously uses the Brand Highway.

Mr R.S. Love: No, I use Indian Ocean Drive very often. I go to Jurien Bay through there very often.

Mr J.R. QUIGLEY: The member has not seen the enormous metropolitan urban development between Yanchep and Two Rocks.

Mr R.S. Love: There is a lot of scrub, but, yes, go on.

Mr J.R. QUIGLEY: There is a lot of scrub and also a lot of subdivision. Alkimos is a lot of scrub. It is the fastest growing region in the metropolitan area. It will turn upon its facts. Do not forget that we are not talking districts for the Assembly; we are talking about a whole-of-state electorate for the Council. Anyone from the whole-of-state electorate could relocate to the bush, to use the colloquial language. If they are genuinely relocating to the bush and representing it, they will have to get their full allowance, and they will get my full-throated support for that.

Mr R.S. LOVE: I just pick up on the point the minister made that we are not talking about the lower house, but the upper house in terms of those resources. The dissolution of any regional boundary within the legislation throws up the point, which I raised before when the member for Mandurah was sitting behind the minister, about seats that are currently considered regional, in the sense that they are entitled to the accommodation allowance that the

minister referred to—for instance, Dawesville, Mandurah, Murray–Wellington, Moore and other electorates that are based around the outskirts of Perth, and further away as well in some cases. How will they be affected by the changes the minister is putting in place now? They will affect not just the upper house, but also the lower house, because they have been the boundaries that have delineated whether someone is in a regional electorate. Now those boundaries will be gone from the legislation, how will the Salaries and Allowances Tribunal make the decision about whether there will be an entitlement for a member representing that electorate in the future, or does it disappear?

Mr J.R. QUIGLEY: With the greatest of respect, I think the member is overthinking it. It will have a couple of effects. Firstly, it will stop the rorting. People can get elected for the regions, live in Perth, have their electorate office in Perth and claim the allowance. What do they need the allowance for? They are living in Perth and their electorate office is in Perth but, because they have been elected to a region, they get the allowance. That will go.

Ms M.J. Davies: They should be getting an allowance to service their electorate.

Dr D.J. Honey: They can spend the allowance only on electoral matters; there is no rort.

Mr J.R. QUIGLEY: I see.

Ms M.J. Davies: There are different allowances.

Dr D.J. Honey: They can spend the allowance only on electorate expenses.

Mr J.R. QUIGLEY: No, they cannot. What about the accommodation allowance? They are living in Perth, they have their electorate office in Perth and they are picking up an accommodation allowance.

Dr D.J. Honey interjected.

Mr J.R. QUIGLEY: That happens all the time at the moment and people are buying apartments down here. People have bought apartments in the past. Members have come down here and bought apartments on their overnight allowance.

Mr R.S. Love: You're allowed to.

Mr J.R. QUIGLEY: But members are saying that is a rort.

Several members interjected.

The ACTING SPEAKER: No, sorry; member for North West Central, remain seated for a moment. This is all relatively good-natured but, for the benefit of Hansard, if we could keep things a little more orderly, I would appreciate that.

Mr V.A. CATANIA: I think it is starting to unravel. The Premier and the minister have said that there will be 37 members, so Western Australia will have 37 members who represent the whole of Western Australia. Clearly, it is not like the Senate system in which 12 members of the Senate are from Western Australia and they have resources to travel all around Western Australia. The minister is saying that, perhaps at the 2025 election, it may be staggered a bit with a few regional members but, over time, we will find that those regional members may disappear because of the preselection process that the Labor Party may have, for example. That may do away with the ability for someone who lives in the Pilbara to be part of the branch in the Pilbara. The branch in the Pilbara is always going to lose to the branches in Perth that have more numbers on the state executive. Therefore, over time, if not before the 2025 election, we will find that there will be very little, if any, regional representation, even in the minister's own party.

Mr J.R. Quigley: No, not in our party.

Mr V.A. CATANIA: That is unless the Labor Party will have a policy that says that one person out of those 37 persons on the ticket needs to be from the electorates of the Kimberley, Pilbara, North West Central, Kalgoorlie, Central Wheatbelt and so forth. Is the Labor Party going to have policies to protect the need to have regional people? That is the question.

The ACTING SPEAKER: Member for North West Central, I fail to see how a question about internal political party preselection processes is relevant to the clause, so I am ruling that question out of order.

Mr V.A. Catania: Sorry; I am finishing my question.

The ACTING SPEAKER: I have made a ruling, member for North West Central, and I have ruled the question out of order.

Mr V.A. Catania: It has hit a raw nerve.

The ACTING SPEAKER: If you would like to ask another question, you can.

Mr V.A. Catania: Yes, I will ask another question; thank you, chair.

The ACTING SPEAKER: Member for North West Central.

Mr V.A. CATANIA: In removing districts and boundaries, the Premier, the minister and any other people in the Labor Party are saying that regional Western Australia is going to be better off because there will be 37 members.

I fail to see how those 37 members, if they are all elected from Perth, are going to be able to represent regional Western Australia, given that the minister has just stated that he will write vigorously to the tribunal to say that if they have an office or they live in regional Western Australia, they should have a regional allowance. I was merely explaining the political system that exists in pretty much all political parties, whereby if it is dominated by those who live where the population lives—Perth—we will find that the majority of, if not all, the members of Parliament will be elected from where that power base exists. Therefore, over time, unless a party has policies in place, it will have no representatives from the regions. No allowances and no ability to travel means they will have no ability to service the state of Western Australia. Can the minister see where I am coming from?

Mr J.R. Quigley: I can understand what you are saying but I cannot see where you are coming from!

Mr V.A. CATANIA: That clearly shows —

Mr J.R. Quigley: I will respond.

The ACTING SPEAKER: The Minister for Electoral Affairs.

Mr J.R. QUIGLEY: We are not as silly as the Liberal Party. If a party were to elect its members or preselect its candidates from within, say, 30 kilometres of the CBD, it would get slaughtered at the poll. In the same manner, if any sectional interest is excluded, a party will get done over at the poll. I said "not as silly as the Liberal Party"; it has an aversion to women.

Point of Order

Mr V.A. CATANIA: That has actually got nothing to do with this clause.

The ACTING SPEAKER (Mr D.A.E. Scaife): I am going to make this point, member for North West Central: if you want to persist with questioning about internal party processes and about how candidates are preselected, particularly when I have made the point that that is irrelevant to the clause, you invite answers like you just got from the Minister for Electoral Affairs. I am more than happy to rule that that last part of the answer was irrelevant. I am equally happy, and I will rule, that your question was irrelevant as well. Are there any further questions?

Debate Resumed

Ms M.J. DAVIES: I think we have gone down a rabbit hole here. I want to go back to the principle that we started with. There are different sorts of allowances that members of Parliament get, whether they are regional or metropolitan members. The accommodation allowance has been talked about, but allowances are also provided to members to service their electorate. The Attorney General will be well aware, because I am sure he travels the length and breadth of the state, that we are a very centralised state and sometimes the only way to get to one part of the electorate is to come back via Perth.

Mr J.R. Quigley: There is no plane from Broome to Newman.

Ms M.J. DAVIES: Correct; or a member drives and it is extremely expensive. They either require a charter allowance or they require a lot of money for their car. We keep hearing the words "there will be 37 members of Parliament servicing the whole of the state". If that is genuinely the case, one would assume that every member will get the same funds to allow them to traverse every corner of the state. This is for the servicing of the electorate. I am not talking about where a member's home is or where their office is, because a genuinely regional member would receive an allowance for that, as they do under the current system. There are allowances for a member who lives in a regional area and has to come to Perth to attend to their duties as a member of Parliament, or who has additional ministerial duties that require them to be in Perth outside parliamentary days. I think that is understandable and I would assume that people use that appropriately. But it is about the servicing of the electorate; it is the travel and the allowances required for the accommodation when a member is not at home. When I am in my electorate, I am rarely in my home. I have to stay in motels and hotels. If I am lucky, some of them are nice! It depends on where you are in the state.

Mr J.R. Quigley: That one in Katanning is nice, isn't it?

Ms M.J. DAVIES: That is a nice pub. I find excuses to go and stay in the member for Roe's electorate, but I have one in my home town of Northam now—I am trying to find an excuse to stay at the Farmers' Home Hotel instead of five minutes down the road in my own home! I cannot find one, so I have just got to look longingly from afar because it is a really beautiful hotel. It is a high standard of accommodation in my home town.

Mr J.R. Quigley: Which one was that?

Ms M.J. DAVIES: The old Shamrock in Northam did the same thing that the Katanning mob did.

If 37 members of Parliament are to service the whole of Western Australia, we want to make sure that they have the ability to do that. Set aside whether a member's house is in regional WA and the travel requirements needed to get to and from their home or their office; it is about servicing their electorate. We want some assurances if this is going to be the new model. The assurance from the Labor Party is that all members will be there for people, even if they

are in Meekatharra, Widgiemooltha or Yorkrakine, and that there will be appropriate funding for everyone. It needs to be appropriate. That used to be broken down for the Mining and Pastoral Region, the Agricultural Region and the South West Region according to the transport connections in those communities, the distances they had to travel and the ability for them to find accommodation. I can tell the minister that the member for North West Central and the members for the Mining and Pastoral Region regularly talk about the allowances provided to service those electorates, particularly when it comes to travel, as being inadequate. This will come at a cost to the state without a doubt if we are genuinely going to make sure that every member of the upper house, as it will be established as a whole-of-state electorate, will be able to do the job the minister is saying they will be out there on the front foot doing. First, I do not buy it and, second, I am concerned that we will set people up not to be able to do that.

Mr J.R. QUIGLEY: As I said, we will make our submission to the Salaries and Allowances Tribunal to make sure that all genuine regional members receive the appropriate level of funding for allowances.

Mr R.S. LOVE: Perhaps the minister missed the point of what the Leader of the Opposition was saying here.

Mr J.R. Quigley: I do not think so.

Mr R.S. LOVE: All members of the whole-of-state electorate will need resources to service that electorate. They will all need to understand the needs of the electorate. The people who live in Kalgoorlie now, for instance, cannot be expected to be the only ones who will understand the needs of Kalgoorlie—everybody in the 37-member house will need to have that understanding. They will all need to be able to travel to the goldfields and to have an understanding of the needs of the Kimberley. I understand the special need of the person who may live in the Kimberley and who needs a residence in Perth to travel to Perth and stay there. However, to service the electorate, the entire 37 people will need to be able to get out and about in the electorate and have an understanding of the electorate and communicate with the electorate; otherwise, they will not be able to represent the electorate. Perhaps the minister can comment on that.

Mr J.R. QUIGLEY: As I said before, it is not the gift of the government; it is the responsibility of the Salaries and Allowances Tribunal to strike the right balance for those people who are genuinely regional members to get their proper allowances.

Dr D.J. HONEY: I think this point is worth reinforcing. I have spent a considerable amount of time out in regional areas. There are members who live in regional areas who do not get out of their home town or their house. There are members who live in the metropolitan area but who represent regional areas, and on every occasion that I have been to those relevant regional areas, I have seen those members travelling out there and visiting constituents. I think to conflate where someone lives with the fact that they are representing their region is wrong. Those two things are not linked at all. I resonate with the point made by the member for Moore; that is, the minister has said in this place that one of the benefits of this legislation is that all 37 members in the Legislative Council will represent the whole state. They will not be able to effectively represent the whole state unless they have the capacity to travel around the whole state. I believe they will have to do that extensively. The idea is that we are getting rid of regions, but somehow, unofficially, we will have regional representatives, so we will not really have got rid of regional representatives. That can never work, as has been pointed out by members on this side. I appreciate that the Attorney General is saying that these are matters that go beyond the scope of this legislation and his purview. However, I strongly encourage him to consider that. That is a very live and very real issue. The capacity of a member to represent a region does not in any way relate to where they live. It relates specifically to the amount of work that they do travelling out and about in those regions. I think the member for North West Central highlighted a very key point: the government may want to make some specific allowance along the lines that we have discussed if a member lives in the metropolitan area versus if a member lives in a regional or remote regional area, because there are special travel and accommodation requirements for that person. However, there must be an accommodation to ensure that members have the capacity to represent the electorate.

Given the changes put in place to members' allowances, if members do not travel in the regions and do not spend their electorate allowance for that purpose, that allowance will not be paid to them. Ultimately, they will not be able to claim that allowance. As the minister knows, the rules about allowances have fundamentally changed. Once upon a time, unspent allowance was a member's own income. That was the simple reality of it. Some members spent all of their allowance and some did not. Under the new arrangements, members can claim an allowance only if it is spent on a legitimate electoral purpose—in this case, travel. There is an intrinsic mechanism there that stops abuse, so that it is not a rort or abuse or members gaining some unfair advantage. They will not be able to do that because of the rule changes that have been in place since 1 July this year. I think we need to be very careful and differentiate that. I appreciate the point that the minister made, but I would encourage him in his solicitations, and certainly on this side we will be making solicitations about this; otherwise, we will have not only representatives not specifically associated with the regions, but also a reduced capacity for members of the Legislative Council to get out and about in the regions.

Mr J.R. QUIGLEY: There is all this talk about allowances so that people can properly service their electorates and the rule change from 1 July 2021 in relation to those allowances. The member missed out a bit—the reason for the

change—because the allowances that Liberal members were getting were spent on brothels in Tokyo. That is why the rules were changed. They were not servicing their electorates; they were servicing young geishas in Tokyo.

Several members interjected.

Mr J.R. QUIGLEY: That is what was happening. We know that—in a "soapland".

The ACTING SPEAKER: Minister, I was a little surprised, because I think the Leader of the Liberal Party invited that a little, but I thought that his contribution was otherwise well made. I do not think it is relevant for us to go into that in this debate.

Mr J.R. QUIGLEY: Clauses 16 and 17 deal with doing away with the regions and having a whole-of-state electorate. They are fundamental to this legislation. Why am I not surprised that during this debate most attention given by the member is about how much money he is going to get out of the new system? That is what he is all about: how much allowance am I going to get? Talk about self-interest. There was more debate on how much money he can get, rather than the principle reform of this bill of one whole-state electorate. Why am I not surprised?

Ms M.J. DAVIES: I stand to respond to that. I made it very clear, Minister for Electoral Affairs, that the question related to the fact that there has been much discussion in this chamber with the minister, Premier and other members that in the creation of a whole-of-state electorate, every member will be responsible for making sure that the regions are included and that they have a voice. The point that we are trying to make—not out of self-interest—is that it is very unclear what the government has planned to ensure that those members can acquit their role appropriately. The questions are genuine. If the minister is genuine and he wants every one of those 37 members to effectively represent a state the size of Western Australia, there should be some understanding about how it will work as we debate this legislation; otherwise, they are just nice words. Thirty-seven members: "They'll all be out there; they'll all be your voices"—but not if they cannot physically get out there and do the job effectively. That is a cheap shot and it is why I asked earlier about the practicalities. Some of the questions could have been asked if the government had taken the time to understand how whole-of-state models have been applied in other states and how some of the practicalities have worked before rushing this bill into the house. That was an unnecessary cheap shot because being financed is fundamental to us being able to do our roles, and appropriately so. I would like to think that if we are moving to this new model in which there is a great risk of a concentration of people being based in the metropolitan area, they will be encouraged, because they will be appropriately remunerated, to spend time in areas of the state that are expensive to get to and stay in. As the Minister for Electoral Affairs said, there are allowances in the system for a person who is a genuine regional member and whose office and home is in the region. It would be interesting if the minister tabled the draft letter that he said he has written to the Salaries and Allowance Tribunal so that we can see the specificity of what he is arguing for. That would be helpful. The questions come from a position reached after hearing in the chamber that we will have 37 champions out there for regional WA. That rings a little hollow unless we understand that they will be able to do their job properly.

Mr J.R. QUIGLEY: What is the problem with 37 phantoms? There are 12 000 phantoms in the member for North West Central's seat and that outbids the 37 from next door. A submission has been drafted to the Salaries and Allowances Tribunal. I have no doubt that members opposite will make a submission: "You show us yours, we'll show you ours". I am not ruling out that we could make a joint submission on behalf of all members. I will repeat what I said: it is the government's policy that genuine regional members will be in receipt of their allowances to represent the regions outside the Perth metropolitan area.

Mr R.S. LOVE: The reason that we are concerned is that it is my understanding that in constituencies that have a whole-of-state electorate, regional members do indeed have their offices exclusively in the capital city. I understand that that is the case in New South Wales, but I do not know what the situation is in South Australia. We are very concerned that there will not be the resourcing that has been promised into the future. It is not about trying to develop a gravy train for members of Parliament, as the minister made out. This is about trying to ensure that members of Parliament genuinely connect with communities right around Western Australia, because in other jurisdictions where there is a whole-of-state electorate, we see the very opposite of that occurring. We are not trying to find ways for MPs to get greater entitlements; rather, we are hoping that the minister is genuinely committed to ensuring that there is a regional voice in Parliament—nothing else.

Mr V.A. CATANIA: I make this final point because I take huge offence, like most of us on this side, to the Minister for Electoral Affairs talking about members of Parliament being on the gravy train. The cost to fly from Perth to Carnarvon is $1 000 return. The cost to fly to Exmouth is $750 return. The cost to fly to Paraburdoo sometimes is $2 300 return. To fill up my car, I sometimes pay $2 a litre for diesel. I have to avoid chipping the windscreen and avoid kangaroos, bulls or any other animal we can tend to run into on the roads in regional Western Australia from time to time. We also have to pay for our vehicle, insurance and tyres. It becomes a very costly exercise. The point I am making is that people want to see their member of Parliament to work on issues or advocate for infrastructure that is needed. The only way that people can do that is if their member of Parliament has allowances to cater for that. The Premier, the Minister for Electoral Affairs and other Labor members of Parliament have said that regional Western Australia is going

to be better off—the Leader of the Opposition echoed what the Premier said—because it will have 37 champions. That is the point that we are trying to make. It is clear that the government does not understand regional WA, because, firstly, if it did, this legislation would not have been introduced. Secondly, the government clearly does not understand regional Western Australia because it does not know how those 37 members are going to service the whole of Western Australia.

Clause put and passed.

Clause 19: Section 16H deleted —

Ms M.J. DAVIES: A lot of the debate that we just had could probably have been had under this clause. My understanding is that this clause will remove references to the metropolitan boundary and all regions; is that correct?

Mr J.R. Quigley: No, it is not.

Ms M.J. DAVIES: I understand that the metropolitan area of Perth is described in the act to delineate three contiguous regions—north, south and east. This clause will remove all those references and the metropolitan line; is that correct?

Mr J.R. QUIGLEY: That is correct.

Ms M.J. DAVIES: Can the Attorney General also confirm that this clause will remove references to the Agricultural Region, Mining and Pastoral Region and South West Region?

Mr J.R. QUIGLEY: Yes, it will. We are going for the whole state. We are not having three regions out in the bush; we are having the whole state.

Ms M.J. DAVIES: Who was consulted about that removal or the changes to that section? Obviously, it flows from the fact that we will have created a statewide electorate. We have just had a long debate about some of the impacts in servicing the state. Did the ministerial expert panel ask whether it could be resourced to visit some of those regions so that it would understand the impact of removing that reference in the legislation and, as such, provide information through the ministerial expert panel?

Mr J.R. QUIGLEY: No, a decision was made. A recommendation was made by the ministerial expert panel for the whole-of-state electorate. A decision was made by cabinet for the whole of state. Then we went into drafting the bill. The Leader of the Opposition's initial question was: who was responsible for drafting? The Parliamentary Counsel's Office was responsible for the drafting as instructed by my office, which in turn was instructed or informed by the ministerial expert panel's report. That is how it was drawn up.

Mr R.S. LOVE: We are looking at the removal of any reference to regions. The section of the act that is proposed to be deleted tries to describe the general geographic layout of the metropolitan area under the old system—the North Metropolitan Region, the South Metropolitan Region and the East Metropolitan Region, with a geographic discussion around those. In general, it then outlines the Mining and Pastoral Region and refers to it forming an area that is remote from Perth and in which the land is primarily used for mining and pastoral purposes. Page 28 of the act then goes on to state —

> (c) one region, to be known as the Agricultural Region, consists of complete and contiguous districts that together form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region and in which the land use is primarily for agricultural purposes; and
>
> (d) one region, to be known as the South West Region (being a region that includes coastal and forest areas in the south-west of the State), consists of complete and contiguous districts.

This is what will be removed. The bill refers to what is proposed to be removed. I am referring to the act. That section refers to not just the regions, but also the districts that are contained within them. There are four districts in the Mining and Pastoral Region, which roughly share the same sort of geography—areas of extensive open land, mines, small communities and a bit of coastal stuff here and there. The member for North West Central's electorate covers some of the pastoral areas from Shark Bay to the South Australian border and from Kalbarri to Onslow, and it is roughly a similar sort of country throughout. The Kimberley is an area of extensive pastoral areas, with many small communities dotted around and a few major towns here and there, such as Broome, Kununurra and other places. Many smaller communities are dotted around, along with pastoral leases et cetera. It is largely undeveloped land, but beautiful country with a great amount of coastline—a wonderful distinct area. The Pilbara, of course, is the engine room of Australia's economic development with the iron ore industry. That is married to the traditional goldfields area. All that is the Mining and Pastoral component.

The Agricultural Region, which I, the member for Roe and the member for Central Wheatbelt largely represent, is mainly wheatbelt country, with open broadacre farming areas.

In the South West Region are the forests, the smaller farms, the little coastal hamlets and tourist towns et cetera.

All those regions have a degree of commonality, a degree of community and a degree of interest between them. If we take them out of the act, we will affect the districts as well. I have heard the Premier and the minister talk about

this. They say that it is all about the upper house, but it is not. There will be a significant effect on the lower house as well. Those regions will no longer be taken into account when setting up the districts. They will not be complete and contiguous within those landforms. We will see a change.

Ms M.J. DAVIES: I would like to hear more from the Deputy Leader of the Opposition.

Mr R.S. LOVE: We will see a change in not only the upper house in this sense, but also the lower house. It will have ramifications in the future in the way electorate districts are distributed. I would like an explanation of whether there was any discussion on, understanding of, or consideration given to the effect on the lower house seats when the government was discussing doing away with these regions. Was any consideration given to putting in place any factors that might lead to ensuring that the community of interest, the complete and contiguous districts that lie in those quite distinct landforms under the previous legislation, would be maintained in the future? That has a great deal of relevance to a matter that I want to raise in the next clause.

Mr J.R. QUIGLEY: The answer is yes.

Division

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

Ayes (35)

Mr S.N. Aubrey	Mr M. Hughes	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski
Mr G. Baker	Mr H.T. Jones	Ms L.A. Munday	Dr K. Stratton
Ms H.M. Beazley	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms C.M. Collins	Ms A.E. Kent	Mr P. Papalia	Mr D.A. Templeman
Ms D.G. D'Anna	Dr J. Krishnan	Mr S.J. Price	Mr P.C. Tinley
Mr M.J. Folkard	Ms S.F. McGurk	Mr D.T. Punch	Ms C.M. Tonkin
Ms K.E. Giddens	Mr D.R. Michael	Mr J.R. Quigley	Ms S.E. Winton
Ms M.J. Hammat	Mr K.J.J. Michel	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms J.L. Hanns	Mr S.A. Millman	Mr D.A.E. Scaife	

Noes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle *(Teller)*

Clause thus passed.

Clause 20: Section 16I amended —

Mr R.S. LOVE: Clause 20 will delete each occurrence of the words "regions and" in section 16I, and that occurs in only a couple of places. Section 16I states —

> In making the division of the State into regions and districts the Commissioners —

"Commissioners" refers to Electoral Distribution Commissioners, not the Electoral Commissioner, as some people think, and "regions and districts" now becomes districts only —

> shall give due consideration to —
>
> (a) community of interest; and
>
> (b) land use patterns; and
>
> (c) means of communication, means of travel and distance from the capital; and
>
> (d) physical features; and
>
> (e) existing boundaries of regions and districts; and —

That will now be just "existing boundaries of districts" —

> (f) existing local government boundaries; and
>
> (g) the trend of demographic changes.

The effect of the previous clause was the deletion of the meaning of regions under section 16H, which currently makes provision for the commissioners to divide the state into regions. It covers matters pertaining to the regions the state is currently divided into; it gives a brief description of the North Metropolitan Region, the South Metropolitan Region, the East Metropolitan Region, the Mining and Pastoral Region, the Agricultural Region and the South West Region. There is also a definition of the metropolitan area of Perth being the part of the state that was, as at the

relevant day, described in the third schedule to the Metropolitan Region Town Planning Scheme Act 1959, and Rottnest Island. That section describes how the regions are to be considered, such as the Mining and Pastoral Region consisting of complete and contiguous districts that together form an area that is remote from Perth and in which the land use is primarily for mining and pastoral purposes.

Mr S.A. Millman interjected.

Mr R.S. LOVE: Intelligent debate seems to have left this place!

Section 16H(1)(c) states —

> one region, to be known as the Agricultural Region, consists of complete and contiguous districts —

Districts being the lower house seats —

> that together form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region and in which the land use is primarily for agricultural purposes;

In this case, we are talking primarily, with some degree of interpretation, I guess, about broadacre agriculture.

Paragraph (d) states —

> one region, to be known as the South West Region (being a region that includes coastal and forest areas in the south-west of the State), consists of complete and contiguous districts.

This section, which will be deleted by this bill, contains an instruction on where the seats are located. In general terms, they fit within that definition. We know there were grey areas.

Ms M.J. DAVIES: I would like to hear more from the Deputy Leader of the Opposition.

Mr R.S. LOVE: We know that Esperance, which is largely an agricultural shire but does have some extensive uncleared areas, was for convenience sake placed for a long time in the Mining and Pastoral Region, along with elements of Boulder, Kambalda and different places, and formed part of the seat of Eyre, which was abolished in 2017. We know that Kalbarri used to be in the electorate of Moore. Everything south of Kalbarri, apart from the national park, fits the description of the Agricultural Region—it has a connection to Perth et cetera—but everything to the north fits the description of the Mining and Pastoral Region. It sits right on the cusp. At the last redistribution in 2017, the town of Kalbarri shifted from the Agricultural Region to the Mining and Pastoral Region, and consequently from the electorate of Moore into the electorate of North West Central. The boundaries were changed.

What we saw was a marriage between the regions and the districts. As I said, sometimes those regions have shifted around. The Agricultural Region and the Mining and Pastoral Region have shifted from time to time, as happened with Esperance and Kalbarri, and sometimes this has happened in the south west. I think the Jerramungup shire was in the seat of Albany and the South West Region, and then went back into the seat of Roe and the Agricultural Region. We saw that sort of shift backwards and forwards over time as the Electoral Commission tried to make general little tidy-ups to make the numbers work. I know that the seat of Central Wheatbelt has ceded places like the Yilgarn shire from time to time to Kalgoorlie.

Mr S.A. Millman: What a disorganised system.

Mr R.S. LOVE: The member can have a say later on.

Section 16H(2) has within it the definition of "metropolitan area of Perth". The metropolitan area of Perth was a hard boundary. It was described as —

> (a) the region that was, as at the relevant day, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and
>
> (b) Rottnest Island.

That was a hard boundary, and seats could not move from one side of that to the other. Seats could be moved around it, but not through it. The seat of Mandurah is constrained by the metropolitan boundary. The seat of Murray–Wellington is similarly constrained by the metropolitan boundary. I do not think that Dawesville is. The member for Central Wheatbelt's seat is constrained by the metropolitan region boundary; it bounds Swan Hills. The member for Moore—me—has a seat constrained by the metropolitan boundary. My seat bounds on to Swan Hills, Wanneroo and Butler in the metropolitan region. Until now, they had been purely regional seats. They have moved around from time to time. In the last redistribution, I picked up from the member for Central Wheatbelt's electorate the Shires of Goomalling, Dowerin and Wongan–Ballidu, and ceded the town of Kalbarri to the North West Central electorate. When that change occurred, the member for Central Wheatbelt's seat had picked up a number of shires—Wickepin and a couple of others—from Roe.

Ms M.J. DAVIES: I would like to hear more from the Deputy Leader of the Opposition.

Mr R.S. LOVE: The electorate of Roe had similarly picked up a number of places from Albany. We saw that change around and morph, but, generally speaking, when there was a major shift, it was a matter of a great deal of debate. When Eyre was lost from the mix, it was not a decision taken lightly. It was a big decision to strip a whole seat out of those regional areas. I think that was when Baldivis was created in the metropolitan area. We saw a shift—a conscious decision being made—of a seat that was wholly regional into a seat that was wholly metropolitan. Since then, we have had 16 good regional seats outside of the Perth metropolitan boundary—Mandurah, Dawesville and others—that have been constrained by that metropolitan boundary and have been purely regional seats. They exist in the areas that have a boundary that lies within, although not necessarily wholly contained within, the nine development commission areas—Peel, south west, great southern, wheatbelt, midwest, Gascoyne, Kimberley, Pilbara and goldfields. They lie in those areas, not in the Perth metropolitan region. They do lie across them. My own seat lies across both the wheatbelt and the midwest. I think the member for North West Central has areas that are in the midwest, the Gascoyne, probably in the Pilbara and in the goldfields. That does happen. The metropolitan Perth boundary has always been a hard boundary that has contained seats within or without the city. That has meant that they have either been wholly regional or wholly contained in the metropolitan region. There may be some elements of urban living within them. The seat of Geraldton is a fairly urban seat. The seat of Bunbury is a fairly urban seat. The seat of Albany has a lot a lot of urban characteristics as well, but it has some regional characteristics, no doubt. By and large, the seats outside the main Perth area have been able to be recognised as regional seats. Their members have largely dealt as regional members with development commissions and regional service providers, and have been able to provide a level of service and representation to their electorates based on the fact that they are truly regional seats.

Now, with the changes that will be made to both section 16H—that clause has been passed—and 16I, with this deletion of any reference to regions, there will no longer be a purely regional seat. The commissioners can make boundary changes based on the community of interest, land use pattern, means of communication, physical features, existing boundaries of districts, existing local government boundaries and trended demographic changes. All that sounds wonderful and members may think it means it will be rural or city, but it is not that simple. The member for Wanneroo and other members in the metropolitan region, I am sure, would have little bits of rural areas at their very outskirts. In a seat like the one I represent, I have areas that have commonalities with urban areas.

Ms M.J. DAVIES: I would like to hear more from the Deputy Leader of the Opposition.

Mr R.S. LOVE: We will lose the ability to keep them from being subsumed gradually over time into those urban areas. For example, in one of the shires I represent, the district of Lower Chittering within the Shire of Chittering shares a postcode with the town of Bullsbrook. It would be very difficult to say that on the basis of only community of interest et cetera, those two areas could not coexist. That is fine because, at the very end of the boundary, that is always going to be the case. But, over time, the boundary will creep further and further north and the seat will retreat further and further south. We will see that regional representation will be lost, not just through the losses in the upper house but also the gradual absorption of those seats in the metropolitan area. They will shift further south and the attention of the member who represents them —

Ms S. Winton interjected.

Mr R.S. LOVE: Hop up and have a say.

What we have considered to be regional seats in the past will gradually become metropolitan. It will not happen one seat at a time, as it has in the past when we have had to make a big decision and we have had big changes—for example, when the seat of Eyre disappeared, there was a big discussion—it will happen gradually and quietly, and no-one will even notice. Over time, regional voices will disappear because those seats will gradually become more and more dependent upon getting votes in Yanchep or somewhere instead of getting votes in Yuna or somewhere else. Because of that, I believe there will be a great loss of regional representation, which will happen in the lower house as well as in the upper house because of the changes that will be implemented by this bill.

When I raised this with the members of the ministerial expert panel, they agreed. I asked whether they had considered it and they said they had not been asked to. When the government goes to the whole-of-state model, it will affect not only the upper house but also the lower house. By the admission of members of the ministerial expert panel when I raised it with them, they had not considered that consequence as part of the recommendations that had gone forward. I think we can fix that situation and do away with that unintended consequence. I prepared an amendment to clause 20, which is on the notice paper. I move the amendment in my name, which is —

> Page 10, after line 27 — To insert —
>
> (2) In making the division of the State into districts the Commissioners shall ensure districts are located entirely within or wholly outside the metropolitan area of Perth.

(3) In subsection (2) —

metropolitan area of Perth means the part of the State that comprises —

(a) the region that was, as at the relevant day, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and

(b) Rottnest Island.

I will draw members' attention to the fact that that is exactly the same definition that exists in the act at the moment—the definition we have agreed to do away with—which is in subsection (2) of the previous clause. It is not a radical definition. It is a well-accepted definition. It has been in the act for many years. It does not represent any particular problem by way of understanding.

Ms M.J. DAVIES: I would like to hear more from the Deputy Leader of the Opposition, please.

Mr R.S. LOVE: I will make a couple of points about that. Not only will this provide a rationale to prevent the gradual absorption of the seats into Perth without there being a conscious decision to move a seat from regional Western Australia into the metropolitan area, and a discussion around that and a whole range of opinions being taken, as we saw in 2017, but it will also assist the Salaries and Allowances Tribunal and others in some of their discussions. We have discussed quite extensively this evening assisting truly regional members of Parliament. It will ensure that a definition of "region" remains in the act because it defines the "metropolitan area of Perth". It will not only assist in ensuring there is a divide between the metropolitan area and the non-metropolitan area in terms of the allocation of districts in the future, but also ensure that the Salaries and Allowances Tribunal and a whole host of other people, when they are making decisions on issues surrounding regional representation or ensuring appropriate resourcing of regional members, will have a definition to work with. A definition does not exist anymore in the act since the agreement of the house, as a consequence of the deletion of section 16H, was to remove the definition of the "metropolitan area of Perth". The definition that I propose to put back in there should not be difficult to understand. It is well understood. It aligns with the current planning arrangements in the state; the regional development boundaries of Peel and the wheatbelt et cetera. It is nothing new. It will help to ensure that the commissioners, when making their decisions about how these seats should be aligned, not only take into account the general matters they are being asked to take into account—the community of interest; land use patterns; communications; physical features; boundaries of existing districts, which mean nothing really; existing local government boundaries; and trends of demographic changes—but also the metropolitan area boundary of Perth, as it has been for many, many years. It would simply continue the status quo in the lower house.

Bear in mind that when this range of electoral reform was introduced, we were told there would be no difference to the regional representation in the lower house. Unless members support this amendment, there will be. I urge the government to listen to the arguments I have put forward and consider this amendment in the spirit that it has been presented, which is to ensure that the undertaking the government made—no change to regional representation in the lower house—is brought to fruition. I ask all members of the house to support this amendment.

Ms M.J. DAVIES: I would like to add some comments to the amendment moved by the Deputy Leader of the Opposition. He has made some very sensible suggestions and provided rationale for including that definition of the metropolitan boundary. It certainly will not impact the changes the government seeks to achieve in the Legislative Council. It does not fundamentally change the outcome that will be delivered. It will ensure there are no unintended consequences. I was in the briefing when the member for Moore raised this with the ministerial expert panel. The panel had not contemplated that this would be an outcome; that is, we would see not only a significant change in the Legislative Council but over time we would see a significant change in the Legislative Assembly and, ultimately, a reduction in what would be considered genuine regional seats. Once again, we will see a concentration of metropolitan voices in the Parliament and that will be brought about by this legislation. It is easily remedied and it will not have an impact on the outcome the minister is seeking to achieve in the Legislative Council.

I have to say that this could have been canvassed in a committee had that amendment been agreed to and perhaps raised on the back of some of the concerns outlined by the member for Moore, but that was not entertained. If we play it right out to the nth degree, it is not beyond the realms of possibility that even with the requirements of the Electoral Commissioner to take into consideration—they are outlined in the act—the community of interest, the land-use pattern, the means of communication, tribal distance and capital, physical features and local government boundaries' trends of demographic changes, we will see, potentially, seats like those in the federal arena. It is not beyond the realms of possibility that we might see seats the size of Durack and O'Connor over time and following subsequent electoral redistributions. I think that would be a huge disservice in a state Parliament where we should always try to be as close to our constituents as possible.

The fact that we have such enormous seats in our federal system makes it incredibly challenging to have a voice in the federal Parliament. We talk about that regularly. I do not think we want to see that replicated at a state level

where members of Parliament are charged with dealing with things like health and education services, the provision of things very close to the communities they are designed to represent. We could potentially have electorates that cover the entire state, and that would be a very poor outcome.

It can be remedied relatively easily. It is a very sensible amendment and I urge every member, particularly regional members in this house, given members from regional Western Australia will have I think some difficult conversations with their electorates, to at least go back to their communities and say, "We've actually ensured that there can't be any further erosion of that voice as an unintended consequence of this pursuit of one vote, one value in the Legislative Council." They could go back and say that they have made sure their voice and the number of people in our state Parliament, to a degree, will have to be preserved going forward. I think that is incredibly important in a state the size of Western Australia and with the diversity we see from the very north of the state to the south, into our goldfields and into the metropolitan area.

I urge members to consider this. It is not a difficult amendment. Notice has been given; it was on the notice paper. I think the member for Moore has made a very compelling argument for why this should be considered.

Mr J.R. QUIGLEY: As noted earlier, on not the last redistribution but the redistribution before, Eyre came out of the regions and was put into the metropolitan area because only a 10 per cent variance is allowed. The amendment proposed will not preclude that happening in the future. If we do not accept this amendment, most informed people say that another seat will come out of the regions into the metropolitan area if we do not do anything across the population growth. Whereas to say that the amendments will do away with the metropolitan boundary, is not necessarily the case because Mandurah could spread further south without having to take a seat out of the regions and put it in the metropolitan area. The government has considered the proposed amendment. It does not enjoy the government's support, so we will oppose it.

Division

Amendment put and a division taken, the Acting Speaker (Ms K.E. Giddens) casting her vote with the noes, with the following result —

Ayes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle *(Teller)*

Noes (34)

Mr S.N. Aubrey	Mr M. Hughes	Ms L.A. Munday	Dr K. Stratton
Mr G. Baker	Mr H.T. Jones	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms H.M. Beazley	Mr D.J. Kelly	Mr P. Papalia	Mr D.A. Templeman
Ms C.M. Collins	Ms A.E. Kent	Mr S.J. Price	Mr P.C. Tinley
Ms D.G. D'Anna	Dr J. Krishnan	Mr D.T. Punch	Ms C.M. Tonkin
Mr M.J. Folkard	Ms S.F. McGurk	Mr J.R. Quigley	Ms S.E. Winton
Ms K.E. Giddens	Mr D.R. Michael	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms M.J. Hammat	Mr K.J.J. Michel	Mr D.A.E. Scaife	
Ms J.L. Hanns	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski	

Amendment thus negatived.

Clause put and passed.

Clauses 21 and 22 put and passed.

Clause 23: Section 16M amended —

Ms M.J. DAVIES: We have had a couple of conversations about this already, including discussions about Sir Charles Court. Can the minister confirm that this is the manner and form provision that requires an absolute majority for any changes to be made going forward?

Mr J.R. QUIGLEY: Yes, it is the entrenching position. It already exists in the act and that is why no-one is able to change it without an absolute majority. The Leader of the Opposition is quite right; it is a manner and form provision for these amendments.

Ms M.J. DAVIES: Can the minister confirm that that is already in the bill because when I look at the explanatory memorandum, which I am following along, it states —

> Section 16M signals to the Legislature the special importance of these reforms and acts as an *aide-memoir* reminding the Parliament of the reasons relating to the laws protected by s. 16M.

Is it a new provision and the explanatory memorandum is very specific that it is designed to entrench electoral equality in the bill and lend certainty and stability to the law? What has changed between what is in the act and what is being done here?

Mr J.R. QUIGLEY: We have talked about entrenchment before. This is an amendment to the existing entrenchment provisions so that it covers these amendments. A previous administration inserted section 16M. The explanatory memorandum states that clause 23 amends section 16M to provide that any bill that repeals or alters any provision of this part, other than division 2, sections 16G(3) or (4) or section 16L shall not be presented for assent by or in the name of the Queen unless the second and third reading of the bills have passed with the concurrence of an absolute majority of the whole number of the members of the Assembly for the time being of the Council and the Assembly respectively. Clause 23 amends section 16M to provide that any bill that repeals or alters the Constitution Acts Amendment Act sections 5(2) or 18(2) or any provisions of this part of the act other than sections 16G(3) or (4), which are the same exceptions that currently apply, requires an absolute majority. This modifies section 16M by now including sections 16C and 16D of the act and sections 5(2) and 18(2) of the Constitution Acts Amendment Act. These provisions cannot be altered or amended by any subsequent bill unless the bill is passed by an absolute majority of both houses. The new provision, section 16M, is designed to entrench electoral equality in the bill and to lend certainty and stability to the law. Section 16M signals to the legislature the special importance of these reforms and acts as an aide-mémoire, reminding Parliament of the reasons relating to the laws protected by section 16M. Section 16M previously entrenched most of part IIA, division 3, of the Electoral Act, which is why this bill must be passed by absolute majorities in both houses. Amended section 16M now entrenches sections 5(2) and 18(2) of the Constitution Acts Amendment Act so that any subsequent amendments cannot take effect as statutory law unless passed by absolute majorities in both houses.

Section 5(2) provides that members of the Council are to be returned and to sit for the whole of the state. That cannot be amended without an absolute majority. Section 18(2) provides that members of the Assembly are to be returned and to sit for electoral districts. Both those are now entrenched in the bill.

Any bill that repeals or amends part IIA of the Electoral Act, other than sections 16G(3) or (4), must be passed by absolute majorities in both this place and the other place. That means that, firstly, the appointment of Electoral Distribution Commissioners cannot be changed without an absolute majority—that is, section 16B. There is no change to the act. Secondly, the state cannot be changed from a single electorate—in other words, a whole-of-the-state electorate—without an absolute majority. That is at section 16C. That is a new change in the bill. Thirdly, the state must be divided into districts and each district is to return one member to sit in the Assembly—that is, section 16D—unless amended by absolutely majorities of both houses. That is a new matter. Fourthly, the relevant day for division remains as outlined in section 16E, unless amended by absolute majorities of both houses. There is no change there; continuing entrenchment applies. Fifthly, the functions of the Electoral Distribution Commissioners, as outlined in section 16F, cannot be altered unless the bill is passed by an absolute majority of both houses. There is no change there to the entrenchment provision or its effect.

A whole-of-state electorate in the Council provides every voter in Western Australia regardless of their postcode with 37 representatives. This electoral equality cannot be diminished without repealing or amending the bill receiving an absolute majority. That is a new entrenchment. It must be noted that the number of members in each house is not entrenched by section 16M.

Mr D.A. TEMPLEMAN: I am intrigued by the line of inquiry by the Attorney General.

Mr J.R. QUIGLEY: The number in each house can be increased by a bill that passes with simple majorities. However, the number of members cannot be decreased unless the amending legislation is passed with a referendum and an absolute majority. There is no change to the entrenchment there; that has been the entrenchment. The entrenchment is provided by section 73(2) of the Constitution Act. That provision was inserted by the Acts Amendment Constitution Act 1978, which I have referred to as the Court legislation. It should be noted that sections 16G(3) and (4) are not subject to entrenchment. They continue to be able to be amended by legislation that passes with simple majorities. That is because subsection (3) provides for permissible variance from average district enrolments for districts in receipt of the large district allowance. Subsection (4) outlines the formula for the large district area allowance, which is not entrenched.

Ms M.J. DAVIES: How often has the minister seen this mechanism—the entrenchment clause—in legislation and how often is it used? As the Attorney General, the minister will have seen it in other legislation. Is it unusual to see it in legislation or is it usually in electoral legislation? I would like an understanding of how unique it is to have such a clause built into legislation.

Mr J.R. QUIGLEY: It is not uncommon. I am advised that last year, when we passed the Western Australian Future Fund (Future Health Research and Innovation Fund) Act, it was entrenched in the same way. I seem to recall there was a manner and form provision in the future fund bill and in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act 2015, which was ultimately struck down in the High Court for other reasons. I remember my colleague Mr Wyatt going on about that from the chair that the Deputy Leader of the Opposition

is sitting in at the moment. It is not unique and it is not uncommon. Certainly, it was used by Sir Charles Court when he brought in the amendments in 1978.

Ms M.J. DAVIES: I guess in plain English, it is embedding the reforms, making it as difficult as possible for any changes to be made in the future. That is the intent of this type of entrenchment mechanism, as the minister referred to it. There were no recommendations from the ministerial expert committee on this; it was a decision of cabinet to belt and brace the legislation, I imagine. Is that correct?

Mr J.R. QUIGLEY: I wanted to entrench it behind a referendum but that was not possible because we would have to have another referendum to deal with the Constitution Acts Amendment Act before we could bring in an entrenchment provision behind the referendum, so it can only become law by the will of the majority of people. What is an absolute majority? Some people in this chamber might not be aware what an absolute majority is. It is a majority not of those people present in the chamber but of those people entitled to vote. This entrenchment will mean that to effect an amendment behind the entrenchment in the other place, there will have to be no fewer than 19 members voting for it and in this place there will have to be no fewer than 30 members voting for it. It is not an entrenchment that will prohibit further amendment but it will prohibit someone in the chamber as it is currently constituted, at midnight, pushing through an amendment with a simple majority, not an absolute majority.

Ms M.J. DAVIES: Just so I am clear, the minister gave me three examples referring to three quite substantive pieces of legislation. They were closely linked to government policy. I will not go into the Bell legislation; we have all put that behind us. Certainly with the future fund, there was a concept and a principle that had been brought forward by the government of the day.

Mr J.R. Quigley: I do not want people raiding it.

Ms M.J. DAVIES: That is correct. But it is not something that we would find in normal pieces of legislation. I do not think I have seen this type of clause in the vast amount of legislation that the minister has brought forward that we have dealt with in the past seven months, and over the last four years. From our perspective, the government currently has the numbers in both houses. It has the capability to make the changes. Essentially, it will be very difficult for any changes to be made in future Parliaments. That is the nature of putting a clause like this in the legislation. It is quite explicit in the explanatory memorandum as well.

Whatever changes that we make today could potentially have a detrimental effect on our state more broadly by reducing regional representation, as the opposition has put forward on numerous occasions. It will be very, very difficult for us, going forward, to see that change being amended. It seems that the government is absolutely determined to make sure that no-one will be able to make those changes, even though I think some strong arguments have been put about reducing the regional voice in the Parliament and potentially reducing the number of members in this house who represent the regions. Ultimately, that is what will happen across the board. That is what the Labor Party has chosen to entrench forever and a day. I cannot see there being a change in the way the Parliament will be elected going forward, even with the number of micro-parties on the crossbench. Never say never, but I imagine that is the intent behind the clause. Does the minister have any comments on that?

Mr J.R. QUIGLEY: I suppose that the late Sir Charles Court had the same thought in his mind 43 years ago when he put in the entrenchment provision. The late Sir Charles Court probably thought, when he was standing here, where I am standing today or when he was in the Premier's chair —

Ms M.J. Davies: It has taken 43 years!

Mr J.R. QUIGLEY: It has been 43 years. He probably thought that it would not be changed in a hurry, and here we are, 43 years later, only amending Sir Charles's entrenchment provision. We are not watering it down. We are using the same principles that Sir Charles introduced into this chamber for the new provisions. If it is good enough for the goose, why is it not good enough for the gander? Sir Charles Court produced a double embedment by putting in the referendum. He used a double lock—a deadlock and a bolt lock. He included the absolute majority provision and the referendum. We can amend the legislation, but only with an absolute majority. We cannot entrench it, like Sir Charles Court did, behind a referendum. We are doing only what the late Sir Charles did and amending his entrenchment to cover the new provisions.

Clause put and passed.

Clause 24: Section 17 amended —

Ms M.J. DAVIES: I understand that these changes relate to the electoral roll as a consequence of shifting and removing the word "regions" and applying those changes to the whole state electorate. Can the minister perhaps explain whether that is in fact the case and how this will work as part of the broader bill?

Mr J.R. QUIGLEY: I am just picking up section 17. Proposed section 17(1)(e) will state —

when so enrolled and while he continues to live in that district or sub-district, to vote at —

(i) any Council election in the region …

It will give a person who is enrolled in a district the entitlement to vote in any Legislative Council election.

Under subclause (2), an elector can vote in any Council election and any election in the district in respect of which his name continues enrolled. So, subclause (2) provides that if an elector is enrolled in the district, they can vote in any Council election, and they can also vote in any election in their district. Under proposed subsection (4), a member of the Assembly and their spouse may claim to be enrolled for the district that the member represents and, when so enrolled, will be deemed to live in that district. That is for us members; I am sure that the Leader of the Opposition enrols in Central Wheatbelt, as I enrol in Butler. It does not matter where they live; if a member enrols, they are deemed to have enrolled for their electorate, and I think that is reasonable. That provision replaces subsection (4) in its entirety. The Leader of the Opposition is quite right; it is a whole-of-state electorate, and if an elector is enrolled for one district in the Assembly, they can vote in any Council election.

Mr R.S. LOVE: Current section 17(4) provides that a member of the Council and their spouse may claim to be enrolled for a district or subdistrict that forms part of the region that that member represents. That is being done away with. That provision related to their being enrolled in a particular district within their region. There may be eight districts within their region and they could be enrolled in a particular district. With regard to the discussion we had earlier about regional representatives who may or may not be truly regional, should this not still be in some way reflective of the current situation in which a member of the Council may be able to pick the district they choose to represent so that they can then be truly regional? That would not be dissimilar to the current situation.

As a lower house member, I am deemed to live in a particular district because that is the district that I represent, but a regional member can more or less pick one of the districts of their region as the district that they wish to represent or be enrolled in. Does getting rid of this get rid of a Council member's ability to identify with a particular part of the state, given that it will be a whole-of-state electorate, as being the district they choose to represent? Is that not a bit of a faux pas in respect of what the minister referred to earlier about ensuring that genuinely regional members of the Council can still claim to be regional?

Mr J.R. QUIGLEY: No, not at all. The earlier provision allowed a member enrolling in a district to choose any one of the districts within the region. There will be no regions anymore, so proposed subsection (4) will address the Assembly, not the upper house. We are deleting current subsection (4) because that provided for lower house members to choose which district in their region they enrolled in. Under the new provision, a member of the Assembly and their spouse may claim to be enrolled for the district that the member represents and, when so enrolled, will be deemed to live in that district. That is it—full stop.

Mr R.S. LOVE: That is already in the act, with respect. It states that a member of the Assembly and their spouse may claim to be enrolled for the district that the member represents. That is in the act now. The situation for Assembly members will be no different from the current act, but members of the Council can currently choose which district or subdistrict they wish to be seen to be enrolled in as part of that region. The government is effectively making a whole-of-state electorate. Going back to the minister's idea that a person should be truly regional, should they not be able to claim to be in a particular district or subdistrict of the whole-of-state electorate? The bill will remove this provision, which goes against what the minister said earlier in the evening about Council members being able to identify as being truly regional.

Mr J.R. QUIGLEY: There will be no regions anymore. We have dealt with that subsection. There will be no regions. People will be able to elect to be enrolled in the district they represent. We are taking out section 17(4)(a) because there will be no regions anymore, as well as paragraphs (c) and (d), so that is it.

Mr R.S. LOVE: With respect, the minister is not seeming to take on board that we will have a whole-of-state Council electorate, but there will not be the same ability for Council members to pick a particular district or subdistrict to claim as their base. That goes against the principles the minister outlined earlier—that this will support particular members in remaining truly regional.

Mr J.R. QUIGLEY: But there will be no regions. A member will not be able to claim to be enrolled for a district that forms part of a region when there are no regions—full stop.

Clause put and passed.

Clause 25: Section 17A amended —

Ms M.J. DAVIES: I ask the minister to help me on this one. There was some criticism, and I am wondering whether this particular deletion relates to the fact that someone was elected to the Council who was not living in Australia

or was not currently residing in Australia. Is it related to that or am I going down the wrong path? This clause deletes a reference to "region" because an elector on the commonwealth roll living outside Australia will be entitled to vote at any Council election. Are we removing the right for people who live outside of Australia to vote? I am not quite sure what I am asking, but I would like some clarification on clause 25 before I go down that path any further. It is 11 o'clock and I have lost the power of speech!

Mr J.R. QUIGLEY: I am not sure whether the Leader of the Opposition had in her mind the Daylight Saving Party member.

Ms M.J. Davies: Yes.

Mr J.R. QUIGLEY: It is not to do with that.

Ms M.J. Davies: Okay.

Mr J.R. QUIGLEY: It is to do with a person on the commonwealth roll being entitled to vote in any Council election. It is not to do with the situation in Seattle.

Ms M.J. DAVIES: Can the minister explain what is actually happening? It does not relate to the Daylight Saving Party issue, on which we had a question over where somebody was living—whether they were in Australia. I am sorry; I might have missed the explanation of the purpose of what we are doing here.

Mr J.R. QUIGLEY: We are not talking about a candidate here; we are talking about an entitlement to vote. A person is entitled to vote in any Council election. They might be outside of Australia, but if they are on the commonwealth roll for Western Australia and they maintain that entitlement to be on the commonwealth roll, they can vote in any Legislative Council election in Western Australia.

Ms M.J. Davies: It is removing the word "region".

Mr J.R. QUIGLEY: Yes.

Clause put and passed.

Clauses 26 and 27 put and passed.

Clause 28: Section 25A amended —

Ms M.J. DAVIES: I understand that this is an amendment that goes back to the electoral roll. The roll for what used to be regions will be a whole-of-state roll.

Mr J.R. Quigley: Yes.

Ms M.J. DAVIES: I understand that currently a member of Parliament in the Mining and Pastoral Region is entitled to access to the electoral roll for voters in that region, so they would not have access to that of the Agricultural Region or the South West Region. I assume this means that every MP in the Legislative Council will have access to a whole-of-state roll with every name on the electoral roll. Is that correct?

Mr J.R. QUIGLEY: Members of the Assembly will be entitled to the latest roll for the district in which they were elected. That is fairly clear. A member of the Council will be entitled to two copies of the latest print of the roll for each district and prescribed information relating to each elector. That is the whole of the state, so the member is right.

Ms M.J. Davies: Is that two copies?

Mr J.R. QUIGLEY: It is two copies in the amendment. Proposed section 25A(1) states, in part —

> … shall at the request of the person or organisation in question cause to be provided, without charge —
>
> …
>
> (b) to a member of the Council — 2 copies of the latest print of the roll for each district and the prescribed information relating to each elector;

Ms M.J. DAVIES: I do not think I have ever seen a printed copy of the roll. I think we get it by electronic means these days.

Mr D.R. Michael: They used to give them out.

Ms M.J. DAVIES: I am sure, probably when Sir Charles Court moved his amendment or the year that I was born! I think we have moved on to digital copies these days.

That is quite significant. I understand that new members will have to have access to people they represent, but correct me if I am wrong, Attorney General, the only entities or organisations who have access to the whole roll are political parties, because no individual member would have access to the whole roll.

Mr D.R. Michael: Senators.

Ms M.J. DAVIES: Senators, but no-one in the state Parliament. At this present time, until the changes come in, nobody would ever have had the entire roll.

Mr J.R. Quigley: Correct.

Ms M.J. DAVIES: When does the minister envisage that the members of the Legislative Council, under the new model, will have access to that? Will it be at the commencement date?

Mr J.R. Quigley: We mentioned a date, which is the day after proclamation.

The DEPUTY SPEAKER: Attorney General.

Mr J.R. QUIGLEY: Sorry, the tin knee is getting a bit creaky and needs a bit of oil. I apologise.

The commencement date for this part of the act is the day after proclamation. Section 24 of the act provides —

> (1) The rolls shall be printed, and issued under the hand of the Electoral Commissioner, whenever he thinks fit.
>
> (2) An amalgamation of each roll with its supplement shall be made, and shall be printed immediately after the close of the rolls for a general election …

We were talking about the latest printed copy —

> (3) Without limiting subsection (1), the rolls shall be printed and issued as soon as practicable after a notice dividing the State into districts —

We will take out the words "and regions" —

> … has been published.

It is as soon as possible after the redistribution occurs, because there has to be a redistribution before the next election. As soon as possible after the redistribution it will be produced.

The DEPUTY SPEAKER: Leader of the Opposition, before you ask a question: Attorney General, if your knee is playing up, I can allow you to respond in your chair.

Ms M.J. Davies: The only exercise I do these days is stand up and sit down. I just live in the chamber, so I am quite enjoying the sitting down and standing up!

Mr J.R. Quigley: I will stay with you.

The DEPUTY SPEAKER: I will still need to give the Attorney General the call, but he can stay seated.

Ms M.J. DAVIES: I have two questions. I am trying to do the time line in my head for making a change to the electoral system, which means people will want to engage as candidates. I presume they will just have to go through the party they are a part of ahead of the election so they have access to the electoral roll. Will it be provided to them?

Mr J.R. QUIGLEY: The redistribution will take place two years after an election. It will commence in the second half of 2023 and we had the election in 2021. The redistribution boundaries will be published in early 2024 and, as soon as practicable thereafter, there will be a print roll. Current members of the Legislative Council will get two copies of that print roll after the redistribution is published.

Ms M.J. DAVIES: The member for Moore has just pointed out that we are making a raft of other amendments to the Electoral Act but we still have the requirement in the act to provide two copies of the latest print of the rolls. We were just joking about printing them out as opposed to providing them digitally. Was consideration not given to modernising the act in that respect? I cannot imagine that anyone still asks for a printed copy of the electoral roll. Maybe someone does; I do not know.

Mr J.R. QUIGLEY: The Electoral Act is from 1907. It is archaic and there are lots of little provisions like this, which the Leader of the Opposition might like to write to me on, if she were so minded. As I indicated, a further tranche of amendments will be made to the Electoral Act. I did not personally think it appropriate to fuzzy it all up with those other administrative amendments when we are dealing with this very fundamental amendment. We will be taking care of electronic rolls and things like the pre-poll.

Did the Leader of the Opposition notice that everyone who voted pre-poll the day before—was it the seventeenth?

Ms M.J. Davies: It was the thirteenth. It is seared in my brain, Attorney General!

Mr J.R. QUIGLEY: It was unlucky for you!

But the day before, on Friday the twelfth, we had lots of people coming through the booth at Butler on that last day, and what held up the process was that every voter's vote had to be treated as an absentee vote. They had to fill in envelopes and seal them. A matter of hours later, when the doors next opened, voters could vote and just drop their

ballot paper in the slot. We want to attend to all these things. We welcome any submissions that members have in the meantime. I will be speaking to the Electoral Commissioner and seeing what we can do. We will also be approaching the major parties for any issues that they have with the antiquated act. This is not an act that I am trying to bolster up to the advantage of any particular party. We are all members of this place. We have all been through multiple elections. I very much look forward to some cooperation and input from the Nationals, the Liberals and others about what they think are reasonable amendments going forward. This is not a Labor Party act. This act is not driven by ideology. This act is driven by the administration side of the act, apart from our belief in equal voting for all.

Those things that the Leader of the Opposition raised will be dealt with. I think I gave the Leader of the Opposition an undertaking yesterday that there will be further amendments to the act. I just want to get this difficult part out of the way before we put our heads down to do that.

Clause put and passed.

Clauses 29 to 32 put and passed.

Clause 33: Section 62C amended —

Ms M.J. DAVIES: I might have the wrong clause. Sorry, Attorney General. I want to talk about the clause that relates to unique members.

The DEPUTY SPEAKER: Clause 97, wasn't it?

Ms M.J. DAVIES: Wishful thinking!

Mr J.R. Quigley: Clause 34, member?

Ms M.J. DAVIES: Yes. I am unsure whether it is clause 33 or 34.

Mr J.R. Quigley: Unique members is in clause 34.

The DEPUTY SPEAKER: I have to pass clause 33 first.

Clause put and passed.

Clause 34: Section 62CA inserted —

Ms M.J. DAVIES: I have two in my notes that look very similar. Clause 34 —

Mr J.R. Quigley: Inserts section 62CA.

Ms M.J. DAVIES: Correct. It will insert a new provision to outline the membership requirements for an eligible political party. It must have 500 members. A person may be a member of more than one political party, but under these changes, as I understand it, the two parties cannot rely on the same member. I wonder whether the Attorney General could explain the rationale for that and whether that is the case in other jurisdictions. Why is that being introduced into this legislation?

Mr J.R. QUIGLEY: Certainly. Members must be unique in the sense that they are not named in support of another political party. We are not trying to ban people from joining political parties. They might have a change of heart and want to join the next party. We are not trying to inhibit them, but if a party wants to come forward and seek registration, it must show that it has 500 members. We cannot have these micro-parties replicating by using the same 500 people. They have to demonstrate significant community support to get on the ballot paper as a party. We opted for 500. This came out of the ministerial expert panel, of course. It will demonstrate that they have a genuine foundation of community support by having 500 people. South Australia, a smaller state with a much smaller Council, requires 200 unique members. New South Wales, with double our population or thereabouts, requires 750 unique members and the federal government recently tabled a bill in federal Parliament requiring registration for political parties, under the commonwealth scheme, to have 1 500 unique members. The previous requirement was 500. The commonwealth has trebled it, bearing in mind that the 1 500 come from the whole nation. We made a policy call and said that we would stick with the 500 recommended by the ministerial expert panel, which is the number now, but people do not have to fill in a declaration. The secretary of a party—which could be any party; they could just invent a party—will just write to say, "I certify we have 500 members." That will give them a spot above the line. We will come to the other requirement to get above the line in a moment.

There will be no need for 500 forms to go in every year to obtain continuing registration. It will be just the party secretary—bearing in mind there is a penalty—certifying that the 500 unique declarations given the year before remain members of the party. If on checking their party roll before they do their annual return, they find that 50 members have dropped off, they can rely on the 450 declarations already with the commission and add 50 more to have continual registration. As soon as this bill passes, the transition provisions will see parties that are currently registered continuing to be registered, but in 12 months they will have to formally seek new registration. We are not

trying to have anyone knocked out at the moment! We will give everyone 12 months to get up to speed. This was another stratagem put to us by the ministerial expert panel as a way of trying to manage the size of the ballot paper.

Mr V.A. Catania: What if an Independent wants to put up their hand for the Legislative Council?

Mr J.R. QUIGLEY: The member did not get to his feet but that does not matter. I did not get to my feet for the previous answer, but I will take the question.

That is in a subsequent clause, so we will deal with it then. The requirement is not for as many members as 500. An Independent will have to demonstrate community support and the support required for an Independent will be 250. We will get to that in a moment in a subsequent clause.

Dr D.J. HONEY: In clause 34, proposed section 62CA(1) provides that a person cannot be a member of two parties.

Mr J.R. Quigley: That's not right.

Dr D.J. HONEY: That is my understanding of it. I am happy for the member to disabuse me of it. In any case, how are parties supposed to know whether a person is a member of another party? What mechanism is there to check when it is a requirement that a person cannot be a member of two parties for the purpose of the number of members required for registering a party?

Mr J.R. QUIGLEY: The government is not in the business of saying which political parties a person might want to join or how many political parties they might want to join. If someone wants to join the Labor Party, my recollection of the rules is that they have to declare that they are not a member of any other party. I think that would probably be the same in the Liberal Party and the Nationals WA.

Ms M.J. Davies: No, not at all.

Mr V.A. Catania: They accept everyone in the National Party.

Mr J.R. QUIGLEY: They accepted you, Vince! That is obvious.

The DEPUTY SPEAKER: Speaking from experience, mate?

Mr J.R. QUIGLEY: We do not want to pass a law that will interfere with political party internal machinations or structures. If the Nationals WA want to admit into their party people who are also members of another party, good luck to them. They are running a political party; that is not our concern. The member for Cottesloe could be a member of 15 parties. New section 62CA set out in clause 34 states —

> For the purposes of this Part, 2 or more political parties cannot rely on the same person as a member for the purpose of qualifying or continuing to qualify as an eligible political party.

A person could join more than one political party, but only one political party can rely on that person as part of the 500, otherwise we could get 500 people starting four or five parties and they could all claim that precious real estate above the line because it is the same 500 people going by different names. That is the extreme example, member for Cottesloe. We are not saying citizens cannot join whichever political party they want to join. They might want to join the Shooters, Fishers and Farmers Party and the Nationals, I do not know. They might want to join two parties. I do not know; we do not care. But for the purposes of registration of a political party it has to have 500 unique members; it cannot just use the same 500 for this one and that one. This is to do with another management strategy for the ballot.

Dr D.J. HONEY: Perhaps I expressed it imprecisely, but my understanding of the clause is as the minister described it. I am keen to understand how that process is going to be done. Will the Electoral Commission have a register of all members of political parties so that when a political party registers, it will have a list of members? How is the Electoral Commission or anyone otherwise going to determine whether there are people who are members of two or even more political organisations? I understand the intent of the clause, but how will that be done? Will the Electoral Commission have effectively registered supporters, or will it be just on the good cognisance of the parties to somehow work it out? I am not sure how either the Electoral Commission or political parties are going to determine mechanistically whether there is duplication.

Mr J.R. QUIGLEY: It will not be a lot different from what currently exists. The parties will not be required to lodge a list of membership with the Electoral Commission; that will not happen. At the moment, a political party simply signs a declaration that the 500 people are members of the party. That then gives it the first stage of registration of the political party. That is on the declaration of the secretary. There is a declaration by the secretary and a penalty, but there is no way the commission could audit that to see whether those 500 people are really members of the party. A form will be legislated in here—when we get to that clause—that will be approved and published by the Electoral Commission and will include a warning that a false declaration will render them liable to penalty. Five hundred of those forms will be required. Each person will have to fill out a form and declare that they are a member

of the party that is seeking registration. They will have to put in their postal and email address and telephone contact. The form will include—I have seen the New South Wales form—a little declaration: "I, John Quigley, consent to being approached by the Electoral Commission to confirm the contents of this declaration." After signing that form, I can expect a call from the commission. There will be a warning on it about providing a false declaration. It is a reasonable step to take to make party registrations more accountable and better.

Mr R.S. Love: And transparent.

Mr J.R. QUIGLEY: Transparent; thank you very much, member for Moore! Accountability and transparency are great words of the twenty-first century. When in doubt, use "transparent" and "accountability".

Section 62J(6) of the Electoral Act 1907 states —

> The Electoral Commissioner may refuse to register a political party if the Electoral Commissioner believes on reasonable grounds that a substantial proportion of the electors whose names are set out in the party's application as required by section 62E(4)(d) are electors whose names have also been provided to the Electoral Commissioner under this Part for the purposes of the registration or continued registration of another political party …

The commissioner can refuse to register a party if the commissioner, on reasonable grounds, believes that it is all a bit suss.

Mr R.S. LOVE: Are we on clause 34?

Mr J.R. QUIGLEY: Yes. I was referring to an existing section, which is not being amended. I referred to the section to point out to the member that the commissioner can refuse to register a party.

Dr D.J. HONEY: The minister is assisting my party with the constitutional amendments that it is trying to put through. This is a step forward in the right direction. I take it that the form will be held by the party and that, equally, there will be a process to make sure that the forms held by the parties are current. The forms will have to be held by a party in some form, whether it is a suitable electronic copy or otherwise, so that it is available for scrutiny by the commission should it have a suspicion that members are members of more than one party.

Mr J.R. QUIGLEY: The forms will be lodged at the commission. When a party applies for registration, the 500 declaration forms will have to be lodged with the commission—physically.

Ms M.J. Davies: Like paper?

Mr J.R. QUIGLEY: The member will have to wait until the new section comes through. At the moment, yes, physically, but I am looking at all of this, member—do not despair. We can lodge proceedings in the Supreme Court electronically. We are looking at these things. We brought in electronic filing for violence restraining orders et cetera during the COVID pandemic. We have not decided whether it will be only by hard copy. I have told our party secretary that a party has to get 500 physical forms filled out and individually signed.

Ms M.J. Davies: Can't you scan them and email them through?

Mr J.R. QUIGLEY: We will work that out. Let me take the Leader of the Opposition away from the moment of lodgement. Whether it is electronic or physical, this clause requires that 500 individual people will have to fill out one of these forms and sign it physically. That form must end up at the Electoral Commission, whether it is lodged electronically or whether someone drives around in their Mercedes to drop it off, I do not know.

Ms M.J. Davies: The banged-up Ford out there is mine!

Mr J.R. QUIGLEY: That detail will be taken care of when we make the whole act more efficient. We are saying that this section requires it. There will be no more ghosts in membership forms. This means that 500 Liberal Party members will have to individually sign-off that they are current members of the Liberal Party. The secretary of the Liberal Party will then have to do a separate declaration for those 500 forms, that says, "Here are the 500 forms. I certify and declare that each one of these 500 form holders is in fact a member of the Liberal Party." They can also be members of another party, but the other party cannot use those forms or ask those people to sign another form for their party; it has to be unique.

Dr D.J. HONEY: This sounds like it will be a substantial administrative burden. As with most political organisations, memberships are renewed on an annual basis and some people will be in the original 500. Obviously, there will be a day zero for this and some of those 500 people may leave the organisation or not renew their membership, so it will mean that the party will have to do it every year.

Mr J.R. Quigley: A reconciliation.

Dr D.J. HONEY: Yes. I know what the party will do in that instance. Administratively, it will likely resubmit a whole new batch of forms to be guaranteed; otherwise, there will be the administrative burden of checking to see which names have been used. The Liberal Party in Western Australia has 6 500 members. Either all 6 500 names will be submitted to exceed the 500 or the party will have to choose, somehow or other, the 500 names plus a few more for a bit of a safety margin.

Mr J.R. Quigley: That is what the Labor Party does in Sydney.

Dr D.J. HONEY: That does not mean that it is easy. Then there will have to be some process for reconciling that. I wonder how a database like that can be maintained mechanically by the Electoral Commission.

The minister said that the Electoral Commission will not maintain a register of registered members of a party, but what the minister has described is that, effectively, the Electoral Commission will have a physical register of at least some registered party members. How will that be determined? This sounds like, as stated, it will be a very significant administrative burden on political organisations. Could the minister confirm that?

Also, is there going to be any support for organisations for this? I imagine that this activity will consume a significant amount of a party's operations to make sure it is current, given that the penalties for getting it wrong will be very severe and could potentially result in the deregistration of a party.

Mr J.R. QUIGLEY: No resources will be given by government to individual parties—not the Labor Party, the Liberal Party nor any other party. It will be the responsibility of parties to take care of their own party's registration.

Only in the first year will a party have to lodge 500 forms. I spoke to the Western Australian party secretary and the Sydney party secretary and said, "You're doing this, are you?" It is a bit of an administrative burden, but we usually put in 10 per cent more than the 500 required so that we can cover any admin error. Once that goes in and a list is kept of those 500 members, it will not be that big an administrative burden for a secretary of a party to run down that list of 500, checking off whether they are paid-up members. It will take only a few hours once a year to check that the 500 members on the spreadsheet are still paid-up members of the party. If they get to the 499th name and the 500th person is no longer a member of the party, the party secretary will have to get someone to fill in the form. They will have to lodge only one form because their certification will be that 499 are continuing and the form for the 500th is handed over.

When the member says this will be an administrative burden, it will not be a backbreaking administrative burden for any political party sitting in this chamber this evening. It might be an administrative burden for micro-parties trying to jump up at the last moment and get that position above the line on the ballot paper. People will have to think this out in advance. We want genuine candidates and genuine parties coming forward, not people coming forward six months out from an election when the whole community says, "There's an election next year." We know what they are like; they start to become engaged, saying, "Let's get on the ballot paper." They have to lodge the application with the 500 forms no later than 12 months prior to the issue of the writs. We know that there is a fixed election date. We do not know the exact day on which the writs will be issued, but they will be issued sometime in early February. I think it is early February or late January.

Mr V.A. Catania: Early February.

Mr J.R. QUIGLEY: It is early February. Everything has to be done well and truly in advance of that. Twelve months out—let us say, for safety, by late January 2024—a political party would want to have all its registration in good order, or at least the applications with the 500 forms. If applications are made 12 months in advance of the writs, the government's thinking is that that will give the commission several months to check and verify all those forms et cetera. If it is done six months prior to the election, as is done in one of the states, it squashes it in too much. If applications have to be lodged only six months before and it takes the commission three months to work out the veracity of the forms, it is not known until just about before the poll. It might throw a deterrent burden upon micro-parties. In New South Wales, some of these micro-parties got together—I think the shooters and fishers joined with the farmers—which reduced the size of the ballot paper.

Dr D.J. HONEY: I will try to wrap it up. I am getting pressure, even from my own side. We have to be current constantly. I will cover a couple of areas for the sake of brevity. I assume that we have to maintain the currency throughout the electoral cycle. What about the filling of casual vacancies? I assume this applies only to the upper house, so it will not affect the Legislative Assembly vote. I will cover the field. If this clause will affect the Legislative Assembly, what will happen in the event of a by-election? If it does nothing, the minister can ignore the question. If a casual vacancy is to be filled in the Legislative Council, surely the party would have to have currency. That would not be just 12 months out, assuming that people do this only during the substantive four-yearly elections. How will this impact by-elections, or at least casual vacancies?

Mr J.R. QUIGLEY: First, I will deal with the Assembly. It does not matter in the Legislative Assembly because the ballot paper for the Assembly is pretty easy. There are four districts and only eight —

Dr D.J. Honey: Does it not apply to the Legislative Assembly?

Mr J.R. QUIGLEY: It does not really apply to the Assembly or to casual vacancies. There is a section later dealing with casual vacancies. There will be changes to casual vacancies because we will not be dealing with the regions anymore but with the whole of the state. Sorry; it will apply to the Assembly and the Council if the person stands as a member of a party, because they will have to be in a registered party. A person will not be able to jump up and call themselves a party three months before an election. The idea is to deter that from happening. I do not carry a flag for the Nationals WA, but just think about it for a moment —

Ms M.J. Davies: Now you've hurt my feelings!

Mr J.R. QUIGLEY: I embrace them as members of this chamber, but I do not carry their flag. I put that qualifier out there because I am saying that if we did not go down this path, a junior partner—although the Nationals are the major opposition party at the moment, it is the first time in the history of Western Australia that has happened—such as the Nationals could stand for election and suddenly get muscled out under the 2.63 per cent quota by half a dozen micro-parties that jump up in the six months before an election. We do not want to see that happen because we want stability. I am not carrying a flag for the National Party.

Ms M.J. Davies interjected.

Mr J.R. QUIGLEY: The Leader of the Opposition has to be kind to me now. I am not carrying a flag for the Nationals members, but I am being considerate of them.

Ms M.J. DAVIES: I have one last question. Remember what happened when we started doing that last night; we went for another hour.

I have a question about the audit and expenses related to the creation of this new register. The Electoral Commissioner has said that the Western Australian Electoral Commission can do all of this within its current budget, but this seems like quite a substantial additional provision that it will have to take into account. What costings will be included in managing the database? I will have other questions about the database further down the track when debating future clauses, but what will be the cost of the audit? Presumably, if the government sets this up, there will be an audit. The minister said that someone could sign a form and ask Mr Gately or one of his workers to please call them, and there will be an expense associated with that. Has there been a discussion with the Electoral Commission about that, and does the government still maintain that the commission will do all of the new setting up and auditing within its current budget?

Mr J.R. QUIGLEY: I have discussed this directly with Mr Kennedy, the Electoral Commissioner. I will say two things about that. Firstly, it is an audit; it is not checking off and making 500 phone calls for each particular party. Perhaps the Auditor General can tell us how many in a group of 500 would have to be checked to get a solid audit. That is a statistical matter that I would leave to the auditors.

Secondly, as to cost, the commissioner tells us that he cannot tell the cost at the moment because he does not know how many parties will seek registration. That is an unknown until 12 months prior to the issue of the writs. Treasury is on notice that it will be approached by the commissioner at the appropriate time, when he is better able to establish those costs. Mr Kennedy said that on basis of the current parties, he believes his staff can handle the audit process and are already handling a database of registrations, but they are not solid, but look: I trust Nationals WA members; I am sure they would not fake their returns! They know how I am with disclosures and returns—there is no chance I would let anything go that was not absolutely perfect!

Having said that, I sometimes query whether the membership rolls of some of these parties that jump up late in the day are ridgy-didge; I do not know whether Hansard can handle that! But this is an effort to make sure we have a solid and stable roll of members for the purposes of registration, because 97.5 per cent of our constituents vote above the line in the Council, and that is pretty precious real estate. We will get to that real estate later in the bill, because it orders it all.

Mr D.A. Templeman: We'll get to that tomorrow.

Mr J.R. QUIGLEY: Oh, I am disappointed! I thought we would do it at about 4.30 am! We will get to that later.

Clause put and passed.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 11.55 pm