

Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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

*Second Reading*

Resumed from 27 October.

**HON NEIL THOMSON (Mining and Pastoral)** [12.03 pm]: In summing up, I want to point to the intent of the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. I want to speak directly to the people of the regions. Page 50 of the report of the Ministerial Expert Committee on Electoral Reform sums this up as a simple mathematical equation. Figure 2 on the page is titled “Legislative Council Enrolment Weights 1989–2021”. This is all about returning the concentration of power to the city. In 1989, the weighting for the Mining and Pastoral Region was about three to one. In 2021, it is six to one. What has changed over that time? It is a demographic change. This is simply about demographics and it has nothing to do with representation of our regions. That is the intent of this legislation. That is all very well, but let us look at the heart of this.

I go back to the statement made by Hon Don Punch. I reiterate this because it sums up beautifully the heart of the Labor Party in presenting this bill. Hon Don Punch states —

There is very little to compel upper house members to give special consideration to their districts in decision-making —

That came from the mouth of a minister of the Crown who represents this Labor government —

In fact, most members tend to prioritise their own party issues.

Hon Don Punch is clearly referring to both the intent and the heart of the Labor Party; yet, we face crises in the bush. The electoral system currently in place is a check and a balance for the regions. It provides people such as me with the opportunity to speak on behalf of the people of the regions about the crises that we face in the bush. The heart of the Labor Party is centred on the metropolitan region and that has led to three crises.

**Hon Alannah MacTiernan** interjected.

*Point of Order*

**Hon COLIN de GRUSSA:** I am sitting in front of Hon Neil Thomson and I am struggling to hear his very valuable contribution. Could you ensure that members speak through the chair?

**The ACTING PRESIDENT (Hon James Hayward):** Hon Neil Thomson, could you make your comments through the chair. I ask other members to be patient. It is only one minute and 51 seconds until the honourable member’s contribution finishes. If we could allow him to finish, that would be appreciated.

*Debate Resumed*

**Hon NEIL THOMSON:** The heart of the Labor Party has led to three crises: the housing services crisis, the law and order crisis in the bush—the headlines read “Police have been hunted”—and the housing crisis in the bush. People are living under trees and in tents in regional towns because they cannot find a home. This bill sums up both the intent and the comments made in the other chamber. I am sure that the comments of members opposite, when they finally get around to making them, will be about the heart of the Labor Party concerning the bush. This legislation is a fail in terms of the government’s integrity—the Premier denied his intention seven times. The government has failed to deliver—I mentioned the three crises—and it has failed in its representation of electoral reform, which it is about to implement as it brings down the guillotine on this particular legislation.

Finally, the COVID-19 pandemic is the greatest crisis that we have faced since the Second World War, and this government has failed in that regard also. Let us look at the statistics for regional vaccination rates—what a fail! In the East Pilbara, 25.8 per cent of people are fully vaccinated. Who represents those people? I speak for those people. We need higher vaccination rates in the East Pilbara. In the Gascoyne, 43.3 per cent are fully vaccinated and in the goldfields, 42.7 per cent are fully vaccinated. This is a failing on the part of the Labor Party.

**HON STEVE MARTIN (Agricultural)** [12.09 pm]: I rise this afternoon to make my second reading contribution on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. I begin by stating that I will not support the bill for a number of reasons, and I will get to them shortly. I thought I might start by suggesting how pleased I am to be here representing the Agricultural Region. I have been at this for five or six months now, and some members will be aware that it took me a while to get here to the WA Parliament—several elections—but I can honestly say that it is a great privilege and a thrill to be here doing this job and to have been elected by the people of the Agricultural Region. I will not make the claim that I speak for everyone in the region—it is a large area—but I feel a strong connection to the people of the Agricultural Region. It is where I live, it is where I was born, it is where my children went to school and it is where our family business is. I have to say that my colleagues

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in the Agricultural Region—Hon Darren West, Hon Shelley Payne, Hon Sandra Carr, Hon Colin de Grussa and Hon Martin Aldridge—also share that connection. As I have worked with them over the past six months, that is obvious. When we are out and about in the electorate and we bump into each other at country shows and community events, there is a strong connection between all of us and the patch we represent. I think that connection to where we are from gives us a strength in our purpose in this chamber. My fear is that this bill will diminish that connection in this place. Obviously, once we get in this chamber, we act on behalf of all the citizens of Western Australia, and that is entirely appropriate, but we bring various backgrounds to it. One of the risks of this bill is that that will be diminished if it goes through. For example, when I attend the Trayning Primary School assembly, I share that experience. I have sent my kids to a small country school, I have put them on school buses that travel on gravel roads —

**Hon Jackie Jarvis:** So have all of us.

**Hon STEVE MARTIN:** — as have most of the members in the Agricultural Region. I think that is a useful experience to share. As I said, I am thoroughly enjoying my time in this place representing the Agricultural Region. I thought that would be a useful start.

Getting to the bill itself, there are a couple of obvious reasons that I will not support it. One is the process of how it has got to this place and its intent. I want to talk a little bit about the process, before I go on. Making this speech after a number of colleagues have, I will be repeating some of the items they have raised, and I do not apologise for that. They are worth stating. Let us talk about the process. There was the now infamous ABC interview with the Premier, which I think was in Albany, by Dan Mercer, who I think most members would probably know. Dan asked seven times whether electoral reform was on the agenda and seven consecutive times the Premier dutifully replied no, it was not. It was a surprise that the Premier replied as he did, because it was not a surprise to anybody that it was on the Labor Party agenda. That was well known. Members opposite did not hide that. It has been obvious. I believe that Hon Kate Doust has published some things in the last couple of years. Most members opposite would have discussed this and it is clearly an intent of the Labor Party to bring it about. As we heard from the Attorney General, it has been for 120 years. Then, I think, he backed over that and said it was 127 years. So that is not the surprise. Probably after the first or second attempt, Dan Mercer rightfully picked up that the surprise was the Premier saying it was not on the agenda. That was the surprise. By the time Dan Mercer got to his fifth or sixth attempt, he knew something was going on. After several attempts, he gave up, but quite clearly the Premier was making a point of wilfully ignoring what everybody knew; that is, this was on the Labor Party agenda. But in the lead-up to the March election, the Premier declined to be honest about what the Labor Party intended to do. Simply put, that does not pass the pub test. The government can bring legislation it has talked about in the lead-up to an election to this place and, if it wins, it absolutely has a mandate, we understand that, but to wilfully ignore an issue and hide it from Western Australian voters is very disappointing. That talks about the trust between us and the people who put us here. I think Hon Martin Aldridge talked about where we rank with members of the community and we are down there with used car and insurance salesmen. Some members might be old enough to remember a television show called *Minder* with the lovely Arthur Daley, who was a very, very dodgy used-car salesman.

**Hon Neil Thomson:** Sounds like the Premier!

**Hon STEVE MARTIN:** He was a very dodgy used-car salesman. Sadly, our level of trust —

*Withdrawal of Remark*

**Hon LORNA HARPER:** I do not believe it is appropriate or parliamentary to refer to the Premier as a used-car salesman. I talk about Hon Neil Thomson.

**The ACTING PRESIDENT (Hon James Hayward):** I will take some advice, but offer Hon Neil Thomson the opportunity to withdraw the comment.

**Hon NEIL THOMSON:** It was an interjection.

**Hon Dr STEVE THOMAS:** Further to the point of order, the member is advised that his comment was “Sounds like the Premier.” Similes and analogies in this place are commonplace. I would say that it is entirely in order to reflect in a way that suggests a member has similarities to something; it has never been unparliamentary, and I suggest that there is no point of order.

**The ACTING PRESIDENT:** I was battling to hear, to be honest, exactly what was said. On that basis, I will say that there is no point of order. However, I mention that over the last couple of days there probably have been some interjections that have been a little bit out there. It would be good if all members could maintain the respect of the house in the debate.

*Debate Resumed*

**Hon STEVE MARTIN:** I will continue. I was talking about used-car salesmen and Arthur Daley. I was a great fan of Arthur in the show *Minder*. I was referring to the level of trust we need from the public for this place to operate. Our democracy is a very powerful thing and it is also very fragile, and we will rely on that level of trust. If, for

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example, I am buying a used car and I inquire of the used-car salesman whether he thinks there is any rust and the salesman replies, “Not as far as I am aware”, that is fine. If I ask again, that is fine. If I ask seven times and the salesman says, “Not as far as I am aware”, and I get the car home, open the bonnet and find it full of rust, there is absolutely no trust left in that relationship. I think what the Premier did by declining over and over again to admit before March that electoral reform was on the agenda has diminished the level of trust between the public and us. As we heard from Hon Martin Aldridge, we are not coming off a very high base. Clearly, this is not the straw that breaks the camel’s back, but it is another straw on the camel about the level of trust between the people who put us here and the role we play. That is the point I want to make on that.

Further to the process, I would like to talk about the review committee. As I am learning in this place, things normally move very slowly, but this process was rushed through in a couple of months. A hand-picked committee was formed, which is appropriate, with some interesting backgrounds. The views of the experts on the Ministerial Expert Committee on Electoral Reform were well known before they published their account. What was in the report was not an enormous surprise. There were certainly no panel members from regional WA. Some members might not think that is an issue, but I certainly do. I attended the briefing in the Parliament prior to the release of the bill. I asked the chair of the committee, Malcolm McCusker, whether the committee visited regional Western Australia in the process of taking submissions before it put its findings into a document. The response was, “No, we did not.” Again, some members might not think that is a problem or an issue. I do. I think regional Western Australians and regional Western Australia is routinely left out of the discussion when it comes to things like this and other issues. I thought it was informative that no member of the committee was from regional WA, not one. It could not find anyone in regional WA who could make a reasonable contribution to that committee and it did not think it was appropriate to visit regional Western Australia.

There has been a bit of discussion about the terms of reference that evidently limited the response. Malcolm McCusker made that point when the TV cameras were on the front steps of this place. There was almost nowhere that the committee could go because the terms of reference were quite narrow. I would like to read them into *Hansard*, if that has not already been done. They are very brief. They state —

**The Government now asks the Committee to review the electoral system for the Legislative Council and provide:**

Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council;

AND

Recommendations for the distribution of preferences in the Legislative Council’s proportional representation system.

They are quite brief. This was a powerful committee. I am not giving it the slack that others have that it was tied to the task, and neither is former Senator Andrew Murray. I am sure members have read every submission. If they have not and they want to make a start, I highly recommend the contribution from Andrew Murray. It is a very reasoned and sensible submission. He made a number of contributions. I will read into *Hansard* some of the work from the former senator, especially about the terms of reference. I quote —

The terms of reference require the Committee to recommend ‘how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council’.

The Government has not asked the Committee to consider *whether* electoral equality *should* be achieved. It obviously thinks it should, because the Government has jumped that step and asked the Committee *how* to achieve it.

By requiring the Committee to make recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council, on a plain reading the Government wants the issue of Legislative Council malapportionment addressed to ensure electoral equality.

The Committee is not a cypher. It is not constrained from examining the ‘*should* question’, and in my view cannot consider the ‘*how* question’ without first dealing with the ‘*should* question’.

I agree entirely. Once that “should” question is asked, we can look at outcomes in regional Western Australia, for example, and whether the system is fit for purpose. Once we limit it to the “how”, that really cuts the debate in half. I agree with Andrew Murray that the “should” question was important and it was not taken up by the committee. The committee claimed it was tied. However, it made other recommendations that were not as strictly tied to those recommendations. For example, it referred to the fee for registration for individuals and parties. That is not a strict interpretation of the terms of reference. It felt that it could make other useful contributions, and it did. The government has acted on some of them, but not on others. It certainly felt that in some areas, it could go outside those strict terms, but not in the important area of equality or fairness in regional Western Australia. That was disappointing.

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I would like to turn to the second reading speech delivered by Hon Matthew Swinbourn. He included quotes from some eminent pundits, including Antony Green, *The West Australian's* Paul Murray and veteran political scribe Peter Kennedy, which I thought were unusual at best. Hon Matthew Swinbourn referred to Antony Green, Australia's leading electoral analyst, and what he said in his blog —

“The WA Legislative Council's electoral system is the worst in the country.”

That was based around the weighting of votes for regional Western Australia as opposed to metropolitan Perth, which is interesting. In the Australian Senate, for example, the Tasmanian population is roughly 550 000 compared with the population of New South Wales, which is 8.2 million. That is 14.9 times greater. As we all know, it gets the same number of senators. I was intrigued by Antony Green's comments when he said our electoral system is the worst in Australia.

Hon Matthew Swinbourn continued —

Paul Murray wrote in 2017 that the Council “has a long and inglorious history as the most undemocratically elected parliamentary chamber in Australia”.

He should have known about the Senate but he either did not do the maths —

**Hon Dan Caddy:** He understands the difference, member; that's the thing.

**Hon STEVE MARTIN:** I will get to the difference shortly.

Just on the numbers, that is clearly not right. He continued —

Veteran political scribe Peter Kennedy earlier this year described the Legislative Council as “the last blatant gerrymander in Australian politics”.

I scrambled through my dictionary to find the meaning of “gerrymander”. I had a fair idea what it meant. It was usually linked to a notorious Queensland Premier. According to my dictionary, “gerrymander” is the act of drawing of congressional state legislative or other political boundaries to favour a political party or one particular candidate for elected office. On the result of 2021, who put the gerrymander in place? Again, I have to disagree with Peter Kennedy. If it was an obvious gerrymander, what happened in 2021 simply could not have happened.

Hon Dan Caddy raised the Senate. I will come to that. I am also intrigued by some of the logic around the Senate decision. The final report of the expert committee states —

The analogy between the Senate and the Legislative Council regions is misleading. The Senate's creation and structure was an initial requirement for federation to take place ...

It was—120 years ago. So nothing has changed. Nothing has changed in 120 years of the Labor Party, or others do not see a problem with the make-up of the Australian Senate 120 years later. Because of those initial reasons, we are stuck with that forever. There were reasons the Legislative Council was set up the way it was, whenever it was—a hundred and something years ago. It was a long time ago. Those reasons have clearly changed. We could quite comfortably make an argument that the reasons behind the Australian Senate, the Tasmanian situation, the Northern Territory situation and ours compared with New South Wales have changed. According to the experts in this document, that is not to be considered.

The numbers I quoted about Tasmania dwarf the Agricultural Region versus the North Metropolitan Region, where there are 4.2 times the number of voters in the north metro compared with the ag region. As I said, Tasmania has 14.9 times the vote that New South Wales has. It has the same number of senators. I will move on quickly. Time is racing.

I want to look at some of the individual changes. I hope to have an opportunity during Committee of the Whole to get some more detail around the changes to section 16. I am hearing different sides of this argument. The bill will get rid of the term “region” in the future legislation. From the briefing I received from the Western Australian Electoral Commission it was difficult to clarify this, but from my reading of it, the Agricultural Region has four lower house regional seats contained in its boundaries. Under these changes, it appears that the seats of Roe, Moore or Central Wheatbelt can creep into the suburbs. We have heard about the large electorate allowance, the vote weighting, and the ghost votes. I do not think that precludes those seats heading to suburbia. There is an argument about that, and I hope to tease this out in the Committee of the Whole process. Assuming a member has an allowance now, I do not think the member would have to have it under a future redistribution. For example, Moore could be Ellenbrook and Roe could be Byford, to make up the numbers. We have seen how that works in the federal system. The seat of Durack, at the federal election sometime next year, will include Bullsbrook, 50 kilometres from here, just up the road. It will also include Kununurra, which is 3 207 kilometres from here. I looked it up on Google Maps to find out how far away it is. It takes one day and 10 hours to drive from West Perth to Kununurra. That is in the same seat. Under the federal system, to get the 95 000 to 100 000 votes needed, there is a small variance —

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**Hon Dan Caddy:** West Perth and Kununurra are not the same.

**Hon STEVE MARTIN:** Bullsbrook and Kununurra. To get the 95 000 to 100 000 votes needed, the electoral areas keep growing. Why is that done? I will give members another example. The seat of Pearce, which used to have a reasonably strong regional base, came out as far as the Avon Valley and Narrogin and now is almost entirely suburban. It got gobbled up. It used to be a regional seat. It is now in the suburbs. I think that could happen under this bill.

**Hon Alannah MacTiernan:** Do you know, member, that we have the phantom voters in the larger —

**Hon STEVE MARTIN:** I just dealt with that matter; I do not think the minister was paying attention. I do not think that precludes, at future redistributions—we will get more detail in committee—the boundaries being changed by the Electoral Commission to make up the numbers. I do not think that is the same argument. I will give members some examples of why that population distribution is doing what it is doing.

In 1954, for example, in the census details, the metropolitan population of Perth was approximately 54 per cent of the state—a bit more than half. The year 1954 is a long time ago; even I was not born then. In 2009, it had shrunk; the regional percentage of the population was 23.38; in 2020, the regional population was 23.2 per cent. There is an obvious trend. The numbers in the regions are decreasing as a percentage of the WA population. If we follow the federal example—I am not sure whether this bill will stop that from happening—we will end up with two or three enormous regional seats that may even then need phantom votes, unless we have more than 59 lower house seats. If Perth keeps growing, that is the inevitable conclusion to this process. Maybe not in four years or eight years, but certainly in 16 or 20 years, we will have a Durack-scale something out there. That is obviously a concern.

I will move on to another part of the bill. I find the extension to 37 members unusual. It was not mentioned by the review committee in its deliberations, so I am not sure where that has come from. Obviously, there is a small resourcing issue. I do not think that is a concern. If we take a cynical view—I know one or two other speakers do—it may be about preventing dropping it back at a future time. I do not know about that. I am concerned—I think it was raised by Hon Martin Aldridge—about the impartiality of the chair in this place. I hope to find out some more details in the committee stage. From my reading of it, I think this will probably remove some level of impartiality from the chair's position. Having sat as an Acting President in this place, it is an awkward role to jump from the combative nature of sitting in my seat to the chair's seat and back again. If we were to remove any level of impartiality from the chair's role, it would be disappointing. I hope to get more detail during the committee process about whether that would be the effect.

I refer to the drop in the quota down to 2.63 per cent of the vote, which is approximately 38 000 votes. It is an odd document. Some of the language from the government is about wanting to prevent Hon Wilson Tucker or people like him. By the way, he has had a fairly hard run of it in the last five months, so I do sympathise. He has been a pretty good member of Parliament so far. But the drop in the quota obviously makes it more likely that small single-issue parties will get elected. The evidence we have seen from New South Wales, apparently, is that although the full quota is 2.63 in our state, or will be, if it gets down to slightly over one per cent, someone has the chance to fill one of those last four or five spots, evidently. What is that? Is that 18 000 or 19 000 votes?

**Hon Alannah MacTiernan:** It's a bit more than 98.

**Hon STEVE MARTIN:** Still, it is 19 000 votes, approximately. I am sure Hon Wilson Tucker is working on his 19 000. Give him another three and a half years and he will probably get his 19 000. The Glenn Druerys of this world are looking at this and working out how they can get people in Parliament. It is more difficult, but other single-issue parties or people also will be looking at this. Anti-vaxxers will be looking at this. Anti-bauxite miners and anti-live trade people will look at this and think: where can I round up 19 000 to 20 000 votes so that I will be in with a chance? My thought is: if I am desperately trying to find 20 000 or 25 000 votes around a single issue, the best place is obviously here in the city. We have heard from Hon Wilson Tucker about the cost and the difficulties of doing that, for example, in the Mining and Pastoral Region. Not many regional towns or cities have 38 000 votes in them.

**Hon Darren West:** So, we want the right people in Parliament then. Is that what you're saying?

**Hon STEVE MARTIN:** What we want is a fair representation. I am just highlighting that one of the consequences of this bill is that independent single-issue parties will have a say in the make-up of Parliament and, probably, the balance of power. That will be a combination of various people. Pauline Hanson's One Nation will absolutely run hard again. Clive Palmer—Clive does not seem to get many votes no matter how much he spends, so Clive is unlikely.

**Hon Darren West:** They will come here on the will of the people.

**Hon STEVE MARTIN:** I am talking about the process.

Several members interjected.

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**The ACTING PRESIDENT:** Members, order, please! Thank you. Hon Steve Martin has the call and if we could limit the amount of chatter between members whilst he is speaking, that would be appreciated. Thank you.

**Hon STEVE MARTIN:** Thank you, Acting President. I was engaging with Hon Darren West. I am talking about the number of votes that are required to get here, Hon Darren West. I am not talking about who the number of votes are for. It is an interesting change in this bill. As I said, I have a fair idea of where those micro-parties will concentrate their efforts and where they can get access more easily to 30 000 votes, or less, yet we are raising the fee. Nowhere in the terms of reference does it talk about anything like that. I think the review committee and the bill have it up at \$2 000. That is an interesting way to make the Western Australian Legislative Council more democratic! The onus on smaller parties to pay registration was also canvassed by Hon Wilson Tucker, but, again, I am not sure that that will make it more democratic. To borrow a line from Hon Darren West, “That seems to be about making sure we get the right people in.” I am not entirely in favour of those changes.

Briefly on the method of voting, we will have three methods of voting, which is unusual. In 2025, the federal and state elections will be possibly scheduled to be held within months of each other, so people will be lurching from one very large ballot paper that they fill out in one manner to another very large ballot paper that they fill out in a similar but different way. I do not know why the ballot paper has to be different from the one used for the Senate. It is a bit like the old rail line gauges—people like to do things differently even if its cumbersome. Of course, people vote in a different way again in local government elections. There are three voting systems used in our democracy; I think two might be plenty.

**Hon Alannah MacTiernan:** What do you see as the fundamental difference between this and the Senate?

**Hon STEVE MARTIN:** Well, 20 boxes for a start.

**Hon Alannah MacTiernan:** That is below the line, and 98 per cent of people vote above the line.

**Hon STEVE MARTIN:** I would anticipate some concerns. The Western Australian Electoral Commission raised it as a potential issue, but it will do as it is told.

**Hon Matthew Swinbourn:** That’s not true, member. The Electoral Commissioner is an independent statutory office holder, so you cannot say, “He’ll do as he’s told.”

**Hon STEVE MARTIN:** Correct, honourable member. What I was referring to was that the Electoral Commission will deal with the legislation that is presented to it.

**Hon Matthew Swinbourn:** That’s the will of the Parliament, whatever that might be.

**Hon STEVE MARTIN:** That is a better use of language, indeed. I thank the member.

I will also talk about the government’s priorities and why the bill is arriving now. We have dealt with some odd things in my five or six months in this place. We have talked about standing orders. We spent a bit of time on that. We will now spend at least two weeks on this legislation, I believe. Members on this side of the chamber have mentioned various bills that they would have thought might have been a higher priority than this one. I have one I would like to share with members—that is, the Animal Welfare and Trespass Legislation Amendment Bill. I believe that was an issue in 2019. In fact, I have some quotes on that and legislation was prepared. In fact, the Attorney General was very keen on the idea. I quote an article in, of all places, *The Guardian* in which he is reported as saying —

“I don’t know what the mushy-headed vegans think, or why they think, but they better get this through their mushy heads: that we’re changing the law in a substantial way that spells trouble, big trouble, for anyone who goes trespassing on agricultural land with the intention of disrupting agricultural production ...

That article is from 23 May 2019; we are now at the end of October 2021, and apparently that legislation is not an enormous priority. I believe it has been through the lower house, but is not on our orders of the day.

**Hon Darren West:** The opposition wouldn’t support it.

**Hon STEVE MARTIN:** Hon Darren West absolutely knows that this has nothing to do with the opposition getting in the way. We could be dealing with this legislation today, but we have no say at all in the process of what comes before us. We are dealing with electoral reform in the upper house and getting rid of regional representation instead of dealing with this urgent issue that the Attorney General raised in 2019 and about which he said —

... we’re changing the law in a substantial way that spells trouble, big trouble, for anyone who goes trespassing on agricultural land ...

That has not happened, and unless we get a hurry on, it will not happen this year. I certainly hope it does. The government’s priorities are interesting.

I will conclude by wrapping up some of my comments. Quite clearly the process has been ordinary. The Premier decided to tell Western Australian voters that the Labor Party would not undertake electoral reform, but almost

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the first order of business shortly after the election was to introduce this bill into Parliament. That is disappointing. That is a betrayal, especially of regional voters. I look forward to the Committee of the Whole House process; this is a large bill with a lot of clauses and it will take some time to get through it. Some of the impacts I have talked about, particularly around lower house seats, will need some investigation. The obvious point to make is that this issue should have been taken to the people at an election. It did not have to be, but it should have been. I am not a big fan of referendums, to be honest, but the Labor Party should have made it part of its platform and taken it to the people at an election. If it were to be successful in getting the support of Western Australian voters, it would be well within its rights to do this, but to repeatedly deny it over and over again just before March 2021 and then turn around and say, “Hang on; I’ve changed my mind. I don’t think that’s appropriate”, is a very disappointing effort from the government. I conclude my remarks, Acting President, and look forward to the Committee of the Whole process on this important legislation.

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [12.46 pm]: I rise to make some remarks on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021—I repeat that word “equality”. The members who have spoken before me have made several observations about the way in which this bill was introduced and that it was not the intention of government—certainly that is what was indicated before the election. Personally I have the view that the bill was well and truly drafted before the election. Nonetheless, we have this bill before us now that purports to deliver electoral equality. The legislation will make a number of changes to both the Electoral Act and the Constitution Act and will change the construct of the Legislative Council.

The first point on the explanatory memorandum for the bill refers, of course, to electoral equality. The number one objective of this bill is to deliver what the government has called electoral equality. Secondly, the bill will change the number of members in this place from 36 to 37 members. Members have made various observations about the relative merits of that and what impact that may have on the impartiality of the President. I guess that remains to be seen; I am not quite sure why that needs to change. It certainly was not a recommendation. The other changes that will be made are around the operation of the Council if an election fails. Importantly, the group voting ticket system and full preferential voting will be abolished. I think that is a good outcome and certainly something that I support.

As members have said before, Hon Wilson Tucker, unfortunately, is the poster boy for this change, ending the harvesting of preferences by those who seek to make a little bit of money out of getting people elected. In my view that is not democratic. It is unfortunate that Hon Wilson Tucker, who is a good member of Parliament, has been made the poster boy for that issue. The changes that the government proposes in this respect are actually quite good and should see an end to group ticket voting. It will not be the same as the system used in the Senate, for example, but, nonetheless, it is a welcome change on group voting tickets. There are other changes around that, including changes to party registration requirements. Much will be explored about the merits of those changes during the committee stage of the bill, should we go to the committee stage; one assumes that we will. Those relative merits will be explored in that process and we will gain a better understanding of why those changes have been proposed. We would have had more of an opportunity to explore these changes to understand the implications and rationale behind them if the bill had been referred to the very busy Standing Committee on Legislation for review.

**Hon Tjorn Sibma:** Is it busy?

**Hon COLIN de GRUSSA:** I am not sure whether it is busy, honourable member, but it was a hardworking committee. It is a very good committee. I spent the last four years on it, but I will talk about that later.

Other provisions are alluded to in the explanatory memorandum such as the filling of seats after a candidate dies and other consequential amendments and so on. All in all, there are a number of significant changes. It is quite a complex piece of legislation that will make many changes. It beggars belief that such a bill could be constructed and magically turn up in Parliament a couple of days after the committee delivered its report. That was a very limited time. As I said before, this is a 120-year-old piece of legislation, so it has had plenty of time in gestation.

The Ministerial Expert Committee on Electoral Reform delivered its final report in June this year and made a number of recommendations. It did not have any choice about what those recommendations would be because the terms of reference were very specific. The first term of reference was to provide recommendations on how electoral equality might be achieved for all citizens who are entitled to vote for the Legislative Council. The second term of reference was to make a recommendation on the distribution of preferences in the Legislative Council’s proportional representation system. That is around the group voting tickets. Again, that is a welcome review of that system. More and more complex preference flows have been used and abused, essentially, to game the system over many years. People have got very clever at doing that, which I do not think is democratic. What happens then, of course, is that we get a less than democratic result. The committee also made recommendations about the registration of political parties and so on.

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The committee was established in April this year after the election during which the Premier said that this was not on the agenda, as others before me have said. After the election during which this was not on the agenda, this committee was established almost immediately and began its work. Again, the establishment of the committee was around the words “electoral equality”. That was the primary concern of the committee’s work.

“Other Electoral Models” in annexure 5 at the back of the final report relates to the discussion paper that magically appeared partway through the inquiry. The committee says —

In our Discussion Paper, we asked for submissions on “whether any other electoral model, not covered in this Discussion Paper, is better suited to achieve electoral equality”.

That was done midway through the process, not as a formal part of the process. Essentially, the committee was very hamstrung by what it could look into because of the decree of the Minister for Electoral Affairs and the government that the committee would look at electoral equality. One can only take a couple of meanings from that; that is, electoral equality means that every vote is the same numerically.

A number of submissions were made to the committee. Other members have talked at some length about the content of some of those submissions. I will reflect on a couple of particularly good submissions that made a range of points for and against or otherwise around the various proposals or mechanisms and models that could be used. One of those was from former Australian Democrats Senator Andrew Murray, who made a submission in May. On page 8 of his submission, he says the following —

In theory the Legislative Council regions could be abolished and members elected on a state-wide basis, as for the federal Senate, but this idea should be discarded. Inevitably this would result in the Legislative Council members being predominantly Perth metropolitan residents,

For reasons long and well-argued elsewhere, the regional model for the Legislative Council should remain. There is no call for its abolition by politicians or the public.

There is no political or public demand of note for the numbers of Legislative Council members to be increased or decreased.

They are some very important points, among many others, that Andrew Murray made in his submission. It is a very good submission that I highly recommend members take the time to read. It sets out a number of different aspects of the various implications for some of the changes that could be made to the Legislative Council.

Another submission was from eminent Adjunct Professor Antony Green, whom we all know as the infamous cycling election analyst on the ABC. I am sure that we would all agree we very much value his views on elections and the various political outcomes across the country as they happen. It is certainly something that I enjoy tuning into most of the time, although I did not enjoy it in March this year!

**Hon Darren West:** Some of us did.

**Hon COLIN de GRUSSA:** I am sure that a few members opposite probably did enjoy his coverage. I did not even get time to get a beer down before I knew what was happening, but I digress.

Antony Green’s submission says —

If ‘electoral equality’ is measured by where votes are cast, then clearly a state-wide electorate will provide greater electoral equality.

However, it is my view that there are serious problems with electing 36 Legislative Councillors from a state-wide electorate. Even if the Council is reverted to staggered terms with 18 members elected every four years, my experience observing the election of 21 members for the NSW Legislative Council raises major concerns over ballot paper structure, counting method and nomination that need to be carefully considered.

He further goes on to say —

It is my view that geographic equality can be approached with a well-designed region based electoral system. The question is, how to align these regions with lower house districts by formula without tying the state into the rigid districts in regions model that Victoria has adopted.

Rather than make a recommendation, I will simply state the opinion that electoral equality can be approached with a regional voting system, while avoiding the design issues that could plague election from a single state-wide electorate.

In my view, five regions electing seven-members, or seven regions electing five members, is an approach that could provide a stronger link between elected members and their region. I am aware this would require a referendum to implement, and for that reason know it is outside the scope of models the Committee can recommend.



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That is an important point. It goes back to what members before me have said, which is that this government did not take this to the people. In fact, the government said that it was not on its agenda a number of times yet it has sought to implement what would be major change to the way representatives are elected.

Importantly, this is not the first time we have dealt with electoral reform legislation in this house or under this government. The hardworking Standing Committee on Legislation in the fortieth Parliament was chaired by Hon Dr Sally Talbot, who is an excellent chair of that committee. Hon Nick Goiran was the deputy chair at the time, and the other members who enjoyed being on that committee were Hon Simon O'Brien, Hon Pierre Yang and me. We inquired into the Electoral Amendment Bill 2020, which this government brought in. That bill proposed many changes, including caps on electoral expenditure and changes to the way gifts, foreign donations and other disclosures were made—all those sorts of changes. However, I cannot seem to find those in the current legislation that we are dealing with. They were a priority then but obviously the government has now decided that it does not want to put a cap on electoral expenditure and is not worried about where donations come from. Instead of that, it has decided to silence regional voices. It beggars belief that those changes were proposed, the legislation was drafted and the report was handed down by the committee yet the bill was not brought on for debate. We on this side are constantly accused of stymying legislation. The fact is that there was much legislation on the agenda in the last term of government that was never brought on for debate.

**Hon Dr Steve Thomas:** It was not on the list.

**Hon COLIN de GRUSSA:** It was not on the list or on the government's agenda; it was not a priority. That legislation was reviewed by the very capable legislation committee, which produced an excellent report, but the bill never saw the light of day and was never brought on again, yet we now see a totally different electoral bill in the current Parliament. The bill we are debating today has not had the opportunity to be reviewed by the legislation committee because, as far as the government is concerned, it is perfect legislation. We have seen plenty of examples of so-called perfect legislation that this government has brought before us. Certainly in the last Parliament, many issues were identified. The legislation committee delivered 14 reports, by my count, in the last Parliament, over four years into various legislation, identifying a number of significant issues.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon COLIN de GRUSSA:** Before the interruption of debate for the adjournment, I was in the middle of discussing some of the various aspects of the process by which the government created this legislation and the outcome of the consultation. In the debate that we have had thus far, members in this place have raised that of course the outcome of the so-called expert panel was always going to be one outcome—that is, electoral equality, because that is what it was asked to provide. There was no consideration of which mechanism, method or system would be best for the state of Western Australia. It was just simply: the committee will find a way of achieving electoral equality and come back with a report that says how that will be achieved. It is well known that Mr McCusker, the chair of the Ministerial Expert Committee on Electoral Reform, a very reputable gentleman for whom I have the greatest respect, outed the government in that respect in the comments that he made to *The West Australian* when he said that the whole-of-state model recommended by the committee was almost inevitable given the terms of reference devised by the McGowan government, which sought options for electoral equality in the upper house. Therefore, that was always going to be the outcome because that is exactly what the Labor Party wanted to achieve and what it is calling “electoral equality”.

Chapter 2 of the *Ministerial Expert Committee on Electoral Reform: Final report*, is titled “Achieving Electoral Equality”. I read from the chapter —

This Chapter of the Report addresses the Committee's first Term of Reference—how to achieve electoral equality for all citizens entitled to vote for the Legislative Council. This requires all electors' votes to be of equal value.

Importantly, further on in the report, there is a paragraph on page 20 about electoral equality. It says —

Unlike the Whole of State option, it is impossible in a system with more than one Legislative Council region to achieve *exact* equality of electors per member, and even if it were possible to get ‘close’ to equality (as in Victoria), the electoral roll is not static. It *may* be argued that if a regions-based system were used, allowing a 10% plus or minus variance from the Average District Enrolment ... would (approximately, not absolutely) achieve ‘electoral equality’.

This is the important final sentence of that paragraph; it continues —

However, the Committee's brief is not to recommend a system that ‘nearly’ achieves electoral equality. Indeed, its brief was to achieve exactly that: electoral equality.

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I take particular issue with the notion of equality itself—the meaning given to the word “equality”. In this case, the equality being talked about is simply mathematical. It is simply that a vote anywhere in the state is the same as a vote anywhere else in the state. That does not mean that the people in those different areas of the state are equal or have access to the same services, and it does not in any way reflect the geographic diversity of the state and the fact that one-quarter of one per cent of the land area of the state occupies 79 per cent of the population. That is not an equitable distribution of population. The issues that face various communities, be they in the south west, the northern parts of the state or the city for that matter, are not the same. Equality, in this case, is only about the value of a vote. What that translates to, of course, is the make-up of this chamber. Therefore, it really is about the people in this room, unfortunately.

From my point of view, this bill will do nothing for the people outside of this chamber. Outside of this chamber, the bill does not recognise the different challenges they face no matter where they live. It does not recognise that what actually matters is not sameness or equality, but equity. Equity is a word that is not used anywhere in anything that I have seen in this electoral legislation. In fact, the report of the ministerial expert panel’s report mentions the word “equality” some 70 times, the explanatory memorandum mentions it eight times and the second reading speech mentions it eight times. The grand total of the mention and discussion of the word “equity” is exactly nothing. As I said before, this legislation is not predicated on providing anything but electoral equality—in other words, your vote is the same no matter where you are. That is exactly what the government wanted to achieve. Is that the best outcome for Western Australians? Is that going to achieve fairness and equity for Western Australians who live in various geographic regions in this state? I think the jury is very much out on that, and we will not have the opportunity to understand whether that may be the case; in fact, that was discussed in Andrew Murray’s submission. That is the point. As he said in his submission —

I support a degree of malapportionment favouring rural and regional non-metropolitan regions over the metropolitan regions in the case of Western Australia, because of Western Australia’s geographical, economic and political characteristics and culture.

That is the point. As I said before, one-quarter of one per cent of the area of this state is occupied by 79 per cent of the population. A huge proportion of the population of this state lives in a tiny part of the state. For those people scattered around the rest of the state, it is important that they have equitable access, but that is not equal access. It is very important to make that distinction, because people in regional areas of Western Australia certainly know that they are not going to have equal access to, for example, tertiary hospitals, an ambulance service or schools for that matter. Whatever it is, they do not expect equal access; they expect equitable access. The way that they push and lobby to ensure that they have that opportunity is largely through the democratic process, and that is why there is a degree of, as some would call it, malapportionment in the votes under our current system. However, is that wrong? I do not think we will ever get the chance to explore whether that system is as bad as has been made out, because, unfortunately, the terms of reference of the Ministerial Expert Committee on Electoral Reform did not allow it to do anything but recommend what the government no doubt had already written into the legislation—it was probably drafted before the report was even considered. There was no opportunity for consideration of the best electoral model for the Western Australian Legislative Council. There was no consideration of what that would mean for the distribution of Legislative Assembly seats. As we know, a redistribution occurs every two years after an election. There was a fairly minor one after the 2017 election. Who knows what will happen next time? It will be up to the commissioners to do that work. Without the current boundaries that are in place under the Legislative Council system, all sorts of different permutations and combinations could be arrived at, which will no doubt mean that another regional seat will be lost to metropolitan Perth, the regional seats will become larger again and it will be more difficult for the people living in those seats to access their local members of Parliament.

That brings me to another point about the reforms proposed by the government. We do not have any clarity about how this whole-of-state model will service the whole of the state. We have zero clarity about whether appropriate resources to service the entire state will be provided. For a member representing the whole state, one office and two staff members located in one part of the state may not serve that purpose very well. Who knows? We have not considered that. We do not know what the government’s thinking is. Those issues were never canvassed because they were never able to be considered by the so-called expert panel. Will all MPs be afforded the same resources to do their job across the entire state? We do not know. One hopes that every MP will be treated equally under the government’s electoral equality proposal so that they will have the opportunity to visit every part of the state and serve it properly and that the people in those areas will have the opportunity to meet their local member, regardless of the member’s political persuasion. As a member of this place for the last five years nearly, I have certainly had my fair share of different people come through my door. As all members in this place will know, we do not ask those people who they vote for when they come through the door. They are all equal in our eyes; they are all treated in exactly the same way and they all deserve equitable access to their member of Parliament. I think it is absolutely critical that the government provides some clarity about how it intends to service a whole-of-state electorate and how it intends to allow those people to have equitable access to all the members of that region.

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Earlier in the week, there was debate about referring the bill to a committee. That would have provided us with an opportunity to have a good look at the proposal by the government. The hardworking Standing Committee on Legislation would have had the opportunity to call expert witnesses to provide testimony on the various merits of the proposed system, and also the legislation itself, because there are aspects of this legislation that were not recommended by the expert panel. However, the opportunity for the bill to be scrutinised by that committee has been missed. In fact, that committee could also have taken the opportunity to do what the expert panel failed to do—that is, to visit regional Western Australia and have a talk to the punters out there, get a feel for the geographic vastness of the state and weigh up the various aspects proposed in the legislation. That will not happen, because the government has decreed that this bill will not be referred to the legislation committee. It will simply attempt to ram this bill through, because the ministerial expert panel has come up with the recommendations that the government requested it to come up with, as it simply had no choice whatsoever but to come up with those recommendations.

I will continue on the important aspects of this bill that was I talking about before, and that is equality and equity. We all recognise that various parts of this state have different issues and that all things are not equal, no matter where people live. Equity is what is important here. It is important that people are treated equitably under the law and that they have equitable access to health and education services, and that means, by virtue of the current system for electing members of Parliament, more equitable services for regional areas, because the people in those areas do not have the numbers in an electoral sense to voice their opinion. The current system, under which they have a weighted vote, if we want to call it that, gives them some ability to have a greater influence than they otherwise would. That ability will be removed under the electoral equality system proposed by this government, because it is not about equity; it is about electoral equality. It is about turning people into numbers. It is about making everybody the same as far as a ballot paper is concerned, but it fails to recognise the vast differences across this state.

Of course, much debate was had in the other place, and I want to reflect on some of the commentary of the Leader of the Opposition there. She made very clear points about this legislation. She talked about some of the submissions. Hon Mia Davies, the member for Central Wheatbelt and a former member of this place, knows well how the Legislative Council works and what its duty is: to scrutinise legislation. That is why, in part, it has a different electoral system and, in general, a different make-up from that of the Legislative Assembly. That is right and proper in a bicameral system. I have no doubt that sometime down the track—it may be years—members of the Labor Party will seek to remove the Legislative Council. They would love not to have that problematic place up the hill and to get rid of the extra scrutiny that it provides. We saw this so many times in the fortieth Parliament: legislation would come before this place, it would be sent to a committee for review and it would come back with a bunch of recommendations, most of them eminently sensible and adopted in large part by the government because it realised the error of its legislative ways. The member for Central Wheatbelt, now Leader of the Opposition, said in her address in the other place —

It is with great regret that we must debate this legislation at all. The legislation, far from what the title of the bill suggests, is not about equality. It is about Labor making a power grab. The Attorney General and the Premier have dressed up the bill to justify their abuse of power by using the word “equality”, but it is far from it. It is a bill that will disenfranchise people in this state. It is a bill that will undermine a system of Parliament that is designed to be robust and houses of Parliament that are meant to be elected differently to serve different purposes.

I again reflect on the fact that the use of the word “equality” and the romanticised meaning in common language and the way that word is used across society is not exactly what it is about in this legislation. By definition, it is simply “equal”. It is simply making every vote the same, no matter where people live. It does not recognise the challenges people face in some regions and it is certainly not about providing equity to those regions. I know there are members opposite who are absolutely champing at the bit to speak and I am sure they will address the second reading of the legislation at some point, but I will not take up any time further with my second reading contribution to this bill. It is clear that what this legislation seeks to do is simply make people the same. It does not recognise differences and, therefore, does not provide any sort of equity. I certainly will not be supporting the legislation. I agree that group voting tickets need reform. I am absolutely supportive of that one aspect, but I certainly will not be supporting the legislation itself. As my colleagues on this side of the house have said before, we will not support any diminution of regional representation or value of regional voices or misunderstanding of the inequities faced by people right across this state. This government has failed to provide any sort of equity in this proposition and has simply sought to turn people into a number on paper and make them equal in the eyes of a ballot instead of trying to address the inequity that plagues them.

**HON DONNA FARAGHER (East Metropolitan) [2.22 pm]:** I appreciate that members opposite are looking at me. I was hoping we might see someone on the other side of the house rise and speak, but we will wait with bated breath. Like my colleagues on this side of the house, I rise to speak against the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. I would like to align myself with a number of contributions

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that have been made by members of the Liberal Party and the Nationals WA on the impact that this so-called reform of our electoral system will have on this house, the Legislative Council and the community at large, but most particularly on those members of the community who live in regional and remote parts of our state. In speaking to this bill we know that the Labor Party has long advocated for one vote, one value legislation. That is its position and, indeed, the Labor Party is entitled to that position. I do not have an issue with that: that is its position and that is fine. But what is absolutely outrageous is that the Labor Party was not open and transparent with the people of Western Australia prior to the March state election. It was not open and transparent that it intended to push ahead with such a reform. Members on this side of the house have said this, and I will say it as well. Prior to the election the Premier said repeatedly, “It is not on our agenda.” Question after question was asked at press conference after press conference and the response from the Premier was always the same: it is not on the agenda. Well, that turned out to be a furphy because just six or seven weeks after the election—I do not think it was even two months—the government announced with much fanfare the establishment of the Ministerial Expert Committee on Electoral Reform. That committee reported on 15 September, and one day later, bingo, we had a piece of legislation in the other place. So much for it not being on the agenda. Fewer than six months after being elected, it absolutely was on the legislative agenda for this government. That was just six months after the Premier repeatedly denied that it was not on the agenda. It is an absolute disgrace.

The government has also tried to be very cute in relation to this legislation. It has been cute in the way it has tried to put to the people of Western Australia why there is a need for reform. The Minister for Electoral Affairs and the Premier—and no doubt those opposite if we get to hear something from them—have sought to distract people’s attention away from the big issue in the room; namely, regional representation that we are particularly focused on now, but with regard to the election of Hon Wilson Tucker to the Mining and Pastoral Region. That is the primary catalyst in much of the commentary from the government, particularly the Premier and the Minister for Electoral Affairs, and that is why we have the legislation before us. Of course, we know that the legislation is much more than that and, to be frank, it is a distraction. To use the words of the Premier when he said that the Liberal and National Parties were creating a smokescreen, this is a smokescreen. That is what it is, pure and simple.

With respect to the issue of group ticket voting, the Liberal and National Parties actually agree with the government on this point. Legislation could have been introduced in this Parliament, even in the government’s last term—it has been in since 2017—to deal with this aspect if it was such a concern to the government. I recall that back in 2019, Hon Alison Xamon, who sat opposite, introduced a private member’s bill titled Electoral Amendment (Ticket Voting and Associated Reforms) Bill 2019. I caught up with Hon Alison Xamon in the building last week when she was at the launch of our parliamentary friends group and it was fantastic to see her. We chatted about this bill. It was a good reminder. According to the second reading speech of Hon Alison Xamon’s bill, it was —

... designed to return control of preferences to Western Australian voters by abolishing ticket voting and implementing optional preferential voting both above and below the line.

That bill was debated on at least one or two occasions. I recall, and I will reflect on it, that Hon Simon O’Brien, who was our spokesperson for electoral affairs at the time, indicated the Liberal Party’s support for the bill. On 6 June 2019 he said this —

The situation we have in this bill is simple, and I am delighted to see it come forward. I have advocated strongly in support of this bill in the party forums available to me, and the Liberal Party supports this bill. We will support its second reading, and more than that, we want to see it progressed. The bill proposes in essence to do away with what has become known as the “registered ticket voting system”

He then went on to say —

The member has put up a very good bill. I think it is probably about right, without going into the real fine detail and workability of the legislation. Before now, this government should have said, “Right, we have a bill being second read into the house; what is our response?” It is up to government to do this. It is up to government to say that Hon Alison Xamon and others of like mind are absolutely right and that it is working, or will start to work, with the resources of government to provide the correct statutory mechanics to deal with the issue. What is more, acting in concert with Hon Alison Xamon, we will sponsor a bill through the house and will engage with the government. Members can come and ask me about it. I have told the minister and his predecessor that this is what we want action on, so the government knows it has us on board. There is an absolute majority here. The government itself can take the bill through another place, where it clearly has an absolute majority, as I observed in my opening remarks. That will deal with the matter. That would then stand to the credit of the government. Even if it takes Hon Alison Xamon’s private member’s bill to prod the government into action, at least we will get the action we need. However, that will not happen, because the government does not propose to do any such thing. It has no agenda to proceed along these lines—none whatever. We know that from a number of firsthand responses we have received.

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Hon Simon O'Brien was right. Members might ask why I reference to that. I referenced it because there is some commentary around the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 that somehow the opposition does not support any form of electoral reform. That is simply not the case. In fact, if the government did not like Hon Alison Xamon's bill in 2019—most governments do not like private members' bills—it could have introduced a bill of its own. The McGowan Labor government had the opportunity to do that last time round, and based on what Hon Simon O'Brien said, it would have got support, but it chose not to do that. That may be an inconvenient truth for the government to consider, but it is the truth.

Notwithstanding that, it does not really matter anymore because the government now has much bigger plans. The part of the bill that deals with group ticket voting is just a smokescreen to a much bigger pie that the government now wants: the removal of regional representation in this place. This bill will abolish the six existing regions and replace them with a whole-of-state electorate for the Legislative Council. Of course, a range of other matters will be dealt with by the legislation, including an increase in the number of MLCs from 36 to 37—something that the Ministerial Expert Committee on Electoral Reform did not recommend, but is nonetheless in the bill. There are also matters surrounding the process for party registration; I could go on.

The simple fact is that regional representation is something that should continue to be supported. To use the words of the Premier, when he continued to say that it was not on the agenda, enhanced regional representation matters. It is important. The problem is that we will not see it anymore as a result of the passage of this bill. The reality is that the focus will shift away from the regions to the city, because that is where the votes are. I say, as a metropolitan member of Parliament, that the removal of metropolitan-based regions like the East Metropolitan Region, which I am very proud to represent in this house, is deeply disappointing. When I talk to people in East Metropolitan Region, community groups and organisations, and let them know what the outcome of this legislation will be—that there will no longer be an East Metropolitan Region—they are not happy.

**Hon Alannah MacTiernan** interjected.

**Hon DONNA FARAGHER:** I am talking; the minister can listen.

I appreciate that regions are not a big issue for the Labor Party. In fact, they are an inconvenience for the Labor Party. The simple fact is that the unions determine who sits in this place; that is the reality, and it happens now. Labor Party members would crisscross electorates every second Sunday, if they could. I appreciate that Hon Pierre Yang is out of the chamber on urgent parliamentary business, but he was formerly a member for South Metropolitan Region. All of a sudden, he is a member for North Metropolitan Region. During the election he was handing out how-to-vote cards in Bayswater in the East Metropolitan Region. I asked, "Are you lost?" Hon Alannah MacTiernan was formerly a member for North Metropolitan Region who is now a member for South West Region. This is not something novel; it has been going on for a long time.

**Hon Alannah MacTiernan:** Do you know how Western Australians live their lives? Have you done any analysis?

**Hon DONNA FARAGHER:** I just said I was talking and that the member can listen. She can talk all she likes; I am talking.

**The ACTING PRESIDENT (Hon Peter Foster):** Order, members.

**Hon DONNA FARAGHER:** Hon Ljiljanna Ravlich was a member for East Metropolitan Region for a number of years; all of a sudden, she was a member for North Metropolitan Region. Members opposite are like pieces on a chess board; they move around at will.

I return to the central question as to whether this government has a mandate for this reform and the removal of regional representation. No, it does not. I want to now reflect on a submission by Andrew Murray to the Ministerial Expert Committee on Electoral Reform, which other members have also referred to. Andrew Murray is a former senator for Western Australia and although we belonged to different parties, I have always found him to bring thoughtfulness, objectivity and fairness to the analysis of issues of major public policy. He has always sought to achieve balanced outcomes in critical areas. In his submission to the expert committee, Mr Murray said —

The terms of reference require the Committee to recommend 'how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council'.

The Government has not asked the Committee to consider *whether* electoral equality *should* be achieved. It obviously thinks it should, because the Government has jumped that step and asked the Committee *how* to achieve it.

He goes on to say —

The application of one vote one value to the Legislative Council would proportionally reduce country (rural/regional) representation

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I have not detected recent or ongoing noticeable or meaningful public pressure or political activism for introducing the one vote one value principle to the Legislative Council, to apply across the board regardless of the region.

If there is no significant and persuasive public or cross-party agitation for one vote one value how could the Committee justify radically reducing rural and regional representation in the Legislative Council? On principle alone?

On the other hand is there strong public support to retain the present malapportionment? Would introducing one vote one value to the Legislative Council matter to voters?

The great majority of Western Australian voters are metropolitan. There is no way to confirm this suspicion, but it is possible that the metropolitan public in particular will not be engaged or activated much by imposing electoral equality (one vote one value) on the Legislative Council.

He goes on to say —

Nevertheless, public concern does make itself felt when an issue stirs the Australian sense of fairness. There is no evidence of that happening in Western Australia with respect to regional vote weighting in the Legislative Council.

So, absent ‘a public clamour’ for change, the question for the Committee is whether there are sound grounds for not retaining the present practice of favouring rural and regional vote-weighting in the Legislative Council, given apparently broad public acceptance of that voting system.

Malapportionment itself is not the issue. Malapportionment or inequality is already justified in the Legislative Assembly by a percentage of variance in the number of voters per single-member constituency. That is a practical and understandable variance of the principle.

It is the scale of malapportionment that matters, and whether there is any real concern in the community. On both counts the Committee will need to make an informed judgement.

He goes on to write —

The practice of enhanced regional representation in democratic parliaments, particularly in legislatures that have an upper house, is well established.

In its application to Western Australia that practice of enhanced regional representation is reinforced by geography and demographics, requiring regions in this vast state to be created to allow for good administration and communication.

...

On any measure there is no electoral equality between local government cities, councils and shires, but there is no political or community concern about that.

He further states —

In theory the Legislative Council regions could be abolished and members elected on a statewide basis, as for the federal Senate, but this idea should be discarded. Inevitably this would result in the Legislative Council members being predominately Perth metropolitan residents,

For reasons long and well-argued elsewhere, the regional model for the Legislative Council should remain. There is no call for its abolition by politicians or the public.

There is no political or public demand of note for the numbers of Legislative Council members to be increased or decreased.

If one vote one value were introduced in the Legislative Council regions, and the same number of members retained, then the number of metropolitan members v non-metropolitan members would have to rise, and the latter would have to fall.

Why that is desirable is not clear, apart from simply honouring the principle of one vote one value.

I also note the comments made in Antony Green’s submission. Members on my side of the house have referenced his comments and, with that in mind, I will bring my comments to a close by reiterating a couple of my earlier points.

The government has no mandate for this sweeping reform—it has no mandate for this reform. I am disappointed. I will not reflect on the decision of the house but in a general sense, this bill would have been best served if it had been referred to the Standing Committee on Legislation. I understand that that was not the will of the house because, of course, members on the other side have the numbers to ensure that that did not occur.

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I am going to end my comments by reflecting on a comment that was made by the Minister for Electoral Affairs on 3 May 2021 in an opinion piece in *The West Australian* in which he personally attacked Hon Wilson Tucker, which was unnecessary but, to be honest, we have become used to the Minister for Electoral Affairs' behaviour.

Several members interjected.

**Hon DONNA FARAGHER:** All I will say is that Hon John Quigley —

**Hon Dan Caddy** interjected.

**Hon DONNA FARAGHER:** At least I am not a rewriter of history like members opposite. Goodness me, every day there is a rewrite of history with you guys! That is maybe a debate for another day.

Several members interjected.

**The ACTING PRESIDENT (Hon Peter Foster):** Order, members! Hon Donna Faragher has the call.

**Hon DONNA FARAGHER:** Hon John Quigley stated this —

The Parliament does not belong to politicians like me. It belongs to you, the people.

If the minister were true to his word, why did he not put the idea of electoral reform to the people of Western Australia before the March state election? Why did the government and the Premier repeatedly say that electoral reform was not on the agenda? Why does the Minister for Electoral Affairs not have the courage to refer the bill to the Standing Committee on Legislation for consideration? The simple fact is that in everything that this government has done so far, particularly in this new term, it has treated the conventions of this Parliament and this house with absolute disdain and disrespect. Through the guise of an executive government appointed committee, this government is now seeking to ram through legislation about which the Labor Party was not prepared to confess was on the agenda before the election. It has curtailed in this house the standing orders to limit debate. It is changing the electoral system to suit itself and most importantly it is not recognising the unique circumstances of this state, as large as it is, and the need for greater enhanced representation. That is what this government is all about. This bill and this government's disdain for this Parliament and this house is a disgrace. I oppose the bill.

**HON ALANNAH MacTIERNAN (South West — Minister for Regional Development)** [2.45 pm]: It is with great pride that I support the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, which will finally entrench democracy in this place! Members opposite talk about shame but we are unashamed that for more than 100 years since the Labor Party was formed under a tree in Barcaldine in Queensland, we have supported the equality of every Australian person. That has been the key and fundamental insight of this party. I contrast that with the conservatives on the other side of the house. Since the Liberal Party was formed in the Sydney Town Hall, it has, with its Country Party mates, always continued to entrench its electoral advantage by rigging the upper house. That has been its game plan since day one. In the early days, we could not have equality of voting power. It was only men who voted because men were the only ones who could do things seriously. We moved on from that and we got women. But then people had to have property here because only those people who had property were truly invested. The lower orders could not be trusted to deliver sound government. Today it was interesting to hear some echoes of that coming through. Gradually, the conservatives have fought on every front and now, of course, they say that we need to protect the regions. I think there are issues in the regions on which all parties need to be very much focused, but why would you select that metropolitan–regional divide to focus on inequality? Hon Colin de Grussa said that it is not just about every vote being equal. He said it is not equality, it is about inequity. I agree that the Nationals' paradigm and business model is based on creating a city–regional divide. But let us look at the reality. If that is the way that we were going to vote weight, why would we say that a wheat farmer in Esperance, who lives on a property that is conservatively worth between \$4 million and \$5 million —

**Hon Darren West** interjected.

**Hon ALANNAH MacTIERNAN:** Sorry, it is much higher than that; it is more like \$10 million. Why would we say that that person is more disadvantaged than an Aboriginal person living in Armadale? Why would we argue that? Why would we not look at a pastoralist, for example, in the Kimberley—a cattle baron? Why would we suggest that that person is more disadvantaged than someone in Mirrabooka who comes from an African refugee background? If this were truly about needing to distort the votes to create some idea of equity, the votes of the people of Lockridge would be worth 10 times the votes of the people of Peppermint Grove! But the opposition is not proposing that. All it is doing is trying to hold on; it is trying to find another device to attempt to hold on to power.

Let us look at the election results, because I think this is really very interesting. I am using figures from after the Second World War, because the Liberal Party was formed after that time, but I think if I had gone over the whole century or so, we would have seen far more. Since the Second World War, the Liberal and National Parties have held a majority in the Legislative Assembly 13 times. The Labor Party has held it 10 times. But in this place, until this election, Labor had never held a majority in this chamber, notwithstanding that it had won government 10 times.

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The Liberal and National Parties won 13 times in the lower house, but they held the power in this chamber for 21 of those terms of Parliament. We can see that this is a great little number that they want to cling on to. Notwithstanding all the other disadvantages—the disadvantages of people all over this state, which are far more profoundly rooted in class, race and access to education than in simply their geographic place of residence—the Liberal and National Parties want to hold on to this because it has given them that privilege. They have fought against true democratisation of these institutions because it quite clearly, utterly and irrefutably has advantaged them every time up until this election. This time, when we won, we decided that we wanted to finally make this place democratic. We are proud of that. We are proud of doing that. The opposition's resistance is based on a concept of how it will lose the ability to control this place even when the majority of the community does not support it.

Hon Colin de Grussa made some interesting observations. He referred to people who have said that the houses of Parliament are elected differently to serve different purposes. I profoundly agree with that. I think we need to reflect on this. The vote in the Legislative Assembly is based on single person geographic constituencies. There is an important reason for that, because that actually gives rise to large stable parties and allows government to be formed. It makes democracy governable. As I have said before, the role of this house is not to be a mini-me of the Legislative Assembly; this is supposed to be the place that can put a little bit of a fetter on government, review legislation, and have a greater complexity and array of views represented. That is precisely what we are delivering here today. I think this will absolutely be the last time that the Labor Party will control this place. We do not demur from that. We are not trying to entrench a privilege; we are trying to make this place what it should be—a democratic institution. We know that there will be parties on the left and parties on the right. We know that our friends in the Greens will no doubt do better, because in terms of their percentage of the vote, they are very under-represented in this place. As we see in the Parliaments in New South Wales and South Australia, small parties will form to give voice to views and issues that people have concerns about. I have no doubt that if we had had this sort of system in place, we would have had a voluntary euthanasia party form here some years ago, but we obviously solved that problem. There will be parties like One Nation. I am not a supporter of One Nation, but it does actually represent the views of some people, and in a democracy, we have to take the good with the bad and allow all those voices to be given substance. I think this will be a great bonus. Here is my prediction for free: this bill will potentially provide the ultimate solution for the Liberal Party. Hon Nick Goiran could be looking at these figures and he might see that he could jump back to the Australian Christian lobby, where his true heart is, and form his own party and expect to see two or three members in this chamber. That might liberate the rest of “The Clan” to get on with representing a more mainstream view within the Parliament. We will see this happen.

We had a great contribution—a very emotional pitch—from Hon Neil Thomson. He said it is a crisis! He said that there is a crisis in regional Western Australia. It is all in crisis. This system has been in place now for over a hundred years. If it has not dealt with the crisis, I think it is time for a change! It is time to see whether actually having a democratic upper house will provide a more complex response. I go back to that point. No-one in Labor thinks that this is going to see us get majorities in this place. We fully accept that this is a recipe for more complexity in this place, but it will be complexity based on fairness. There is the idea that people from the Kimberley all the way down to Esperance might share views on particular issues, such as climate change and animal justice. It might be the sex party; I am sure a lot of Liberals or former members would have found themselves happily in that party! There will be these groups. People will have different views. There is the whole notion that everything that one believes is valuable is fundamentally determined by whether one lives in the regions or the city. I put to members opposite that that is their business model. That has been their business model for trying to retain control of this chamber, even when they do not have the majority of the vote. I love regional Western Australia—everyone on this side of the chamber does and feels strongly about it—but that is not a reason to compromise our democratic principles. That is not a reason to entrench a small group of people in a position of privilege and deny ourselves the opportunity to have true democracy and a Parliament that sings with all the voices of the community. I commend this bill to the house.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [2.59 pm]: Thank you for giving me the call, Mr Acting President (Hon Peter Foster). It is a joy to see the enthusiasm with which you throw yourself into the job!

It is always a pleasure to follow the Minister for Regional Development in a speech, because she normally is very forthright, and I appreciate that. She has made it perfectly clear today that the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 that we are currently debating is entirely about party politics. I appreciate the honesty with which the minister has come forward. She spent almost her entire contribution talking about the benefits of party politics—about her party, about our party, and about the impacts of the party. I thought that was fantastic. I am very pleased. The Minister for Regional Development is very forthright, and also on occasions, perhaps unfortunately for her colleagues, honest. I think that was an excellent contribution.

It is a little hard to assess everything that the Minister for Regional said, so I will start with the last bit. I did not quite finish writing it down. The minister said that she is absolutely against the entrenchment of power in a small group



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of people. She said that this house should not represent a small group of people. She wanted that spread out to a far wider region, because we do not want to entrench a small group of people. We do not want to entrench a small group of people like unions and union representatives, perhaps, minister? We do not want to entrench union representation in the Legislative Council, do we? That would be representative of a very small bunch of people. The Minister for Regional Development is, I think, one of those people who is described as independent from the factional system. That is great. I commend that. The minister is one of the few. That is fantastic. We do not want to entrench power in a small perhaps unrepresentative group of people.

When we did this experiment the other day, we were talking about the United Workers Union. I was surprised to see how many members of the government put their hand up and waved. Was that a reflection upon the diversity of the community of Labor Party members in this chamber? How many members of the United Workers Union are there?

Several members interjected.

**Hon Dr STEVE THOMAS:** How many members of the United Workers Union are there? How many? How much control do they have?

**Hon Kyle McGinn:** How about the powerbrokers in the Liberal Party?

**Hon Dr STEVE THOMAS:** A very good question, Hon Kyle McGinn. How about the powerbrokers in the United Workers Union?

Several members interjected.

**Hon Dr STEVE THOMAS:** You are a powerbroker in the United Workers Union?

**Hon Sue Ellery:** I am.

**Hon Dr STEVE THOMAS:** It is great to see. I love an honest debate, I really do. I am very pleased to see the Leader of the House put her hand up for that; that is fine. We should have a far more honest discourse than we sometimes do. It was incredibly pleasing, because I am also very concerned that an unrepresentative group has far too much control. That group we call the left—the left. What group has the most control?

Several members interjected.

**The ACTING PRESIDENT:** Order, members! The Leader of the Opposition does have the call.

**Hon Dr STEVE THOMAS:** Thank you, Acting President,

How much control does the left genuinely have, because this is what we are talking about? It was great to have the Minister for Regional Development tell us that this is about the factional party politics that will end up controlling the Legislative Council. That was very good and very clear. I will come back to a few more quotes in a minute, because I thought that a consistent theme was running through the minister's comments. That was fantastic.

It was obviously the case that the minister is opposed to a small group of people dominating—a clique, if you will, or a faction. I am intrigued to see how much control there is in the factions of the Labor Party. The Labor Party had a very good minister in the previous government, who as far as I could tell was one of the stars but who was dumped for lack of factional allegiance. That is the sort of thing that we are thinking about discussing and entrenching in Western Australia. The reforms of the Legislative Council are entirely about this sort of factional politics. I find it generally true, when these things are presented, that when we dig down to the spin, self-interest underlies all of this stuff; I really do.

I thought the second reading speech that I received with this bill was slightly slanted. It was well delivered by the parliament secretary to the Minister for Electoral Affairs, and written by somebody in the office of the Minister for Electoral Affairs. It is interesting that towards the bottom of the first page, the parliamentary secretary said this —

The South Australian and New South Wales upper houses have been elected using the state as a single electorate for many years. In South Australia, the change to become a single statewide upper house electorate was introduced in 1973 by the Dunstan government and contested for the first time in 1975. In 1977, the Wran government introduced reforms to provide for members of its Legislative Council to be elected by voters across the whole state of New South Wales.

Let us look a bit deeper into that. That sounds very good. I am sure there are a lot of educated members in the chamber. Can anybody remember what political party the Dunstan government represented?

**Hon Matthew Swinbourn:** The Labor Party.

**Hon Dr STEVE THOMAS:** It was the Labor Party. And the Wran government?

**Hon Matthew Swinbourn:** The Labor Party.

**Hon Alannah MacTiernan:** That just proves that we're a party of democracy.

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**Hon Dr STEVE THOMAS:** It proves what the Minister for Electoral Affairs said on the day that the ministerial expert committee report was dropped—that the 120-year agenda of the Labor Party to push through this reform is finally being achieved. All that this says in the second reading speech is, “Guess what! Other sections of the Labor Party managed it earlier than Western Australia.” It is in the DNA of the Labor Party. That is what we are talking about. Thanks to the contribution of the Minister for Regional Development, we know that this is what we are dealing with. In fact, it goes to the point, for those members who attended the function on Tuesday night for animal welfare groups, the minister raised even there. The minister stood up and said, “Yes, we’re achieving 120 years of Labor Party ambition.” It is absolutely the case that this is a long-term ambition.

Before I get to the substance of my comments in this debate, I have a few other notes that I took during the contribution of the Minister for Regional Development—the only sort of off-the-cuff contribution of the government today. I appreciate that the Minister for Regional Development is often perhaps far too honest. The minister said that all parties should be focused on the regions. I agree with that. She then launched into what can only be described as the traditional Labor attack—the politics of envy—by deriding wheat farmers in the wheatbelt.

**Hon Alannah MacTiernan:** I am not deriding them! I am saying that if you are talking about equity —

**Hon Dr STEVE THOMAS:** I am sorry. What about the cattle barons?

**Hon Alannah MacTiernan:** It is not deriding them. It is just saying that if your basis is that we have got to have unequal votes because people have unequal circumstances, why just base it on the regions?

**Hon Dr STEVE THOMAS:** Cattle barons!

**Hon Alannah MacTiernan:** There are people who are cattle barons.

**Hon Dr STEVE THOMAS:** It is classic. The minister fell into doing the thing that she regularly does. I appreciate it. The minister is forcibly honest. I encourage her to remain so. She does not seem hampered by the Labor Party, which is great. I think this is brilliant. The minister should stay exactly in that position. Cattle barons!

**Hon Alannah MacTiernan:** Talk about inequality! Do you really think that someone like Gina Rinehart is more disadvantaged than a person who lives in Lockridge and works at Hungry Jack’s?

**Hon Dr STEVE THOMAS:** I do not know. Does Mrs Rinehart vote in the north? I suspect she does not vote in the north. Again, the minister is just proving my point. This is great.

**Hon Alannah MacTiernan:** Address the point of why you choose just one area of inequality. Why don’t you look at all of these other areas of inequality in order to provide different vote weighting? That’s my proposition. You can’t do that, so you’ve just got to give everyone one vote.

**Hon Dr STEVE THOMAS:** It is funny, minister. We will actually be getting to regions of inequality in a little while and be seeking to table a document to demonstrate precisely that. I appreciate the input.

Again, it is interesting that the minister jumps up when cattle barons are challenged and she has to raise a billionaire. Therefore, I presume a billionaire is a rise on a cattle baron.

**Hon Alannah MacTiernan:** No! It is to show the difference. It is to characterise the difference.

**Hon Dr STEVE THOMAS:** It shows the politics of envy—that is what it shows. It shows where the Labor Party is coming from in its agenda. We heard about the cattle barons. It was quite an extraordinary contribution. The minister then talked about which one of the major political parties had controlled the chamber and how long they had controlled it for. The Liberal-led coalition had control of the lower house 13 times and the Labor Party 10 times, but the Labor Party had not managed to get control of the Legislative Council. What were we talking about? We were talking about the party political outcomes.

**Hon Alannah MacTiernan:** We were explaining why you are trying to hold on for grim death.

**Hon Dr STEVE THOMAS:** This was a discussion about the victories, or not, of the Australian Labor Party. This was entirely about the fortunes of the Labor Party and that is the problem with the bill before the house. The bill is far too focused on the fortunes of the Labor Party. I hope I wrote this down correctly because obviously we do not have the *Hansard* yet, but I think the minister said that this will absolutely be the last time the Labor Party will control this place. Whether that is true, I suspect, to be honest with you, that we would not be looking at the legislation if there were not some chance that the Labor Party thought that it might improve the potential. It is not in the Labor Party’s nature to benefit all the other parties of Western Australia. It was a great contribution.

**Hon Alannah MacTiernan:** Antony Green, who you have been quoting all the time over there—that’s exactly what Antony Green agreed to.

**Hon Dr STEVE THOMAS:** Antony Green did not support the current model presented by the government. But, as a separate position, what was missing from the Minister for Regional Development’s address was almost anything

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about how this benefited the regions. She spoke for—what—15 minutes? I do not remember the exact time. I was listening very carefully. If she spoke for 15 minutes, I think she spoke for 13 minutes about party political politics, and for the last little bit, who knows? But there was no contribution about the welfare of regional Western Australia. There was no contribution to discuss whether people in Western Australia would be worse or better off when, not if, the bill before the house passes. The bill before the house, in my view, and effectively acknowledged by the government, has nothing to do with the welfare, services, capacity or disadvantages of the people of Western Australia. This bill is entirely about the welfare, capacity and employment of the members of the Australian Labor Party. How does that come about? Once again, we do not want to have an unrepresentative group in Parliament—apparently—occupying the benches and I agree with that. Therefore, we need to know: How does the Labor Party’s preselection work? How important is a union membership these days? Does a union get 50 per cent of the preselection delegates?

Several members interjected.

**Hon Dr STEVE THOMAS:** What sort of percentage is it?

A government member: How’s “The Clan” going?

**Hon Dr STEVE THOMAS:** Do you mean with the left? I do not know. How is the left going?

Several members interjected.

**Hon Dr STEVE THOMAS:** How is the left going? How is the left going as ministers and sitting members are dumped out to control preselection. How is the left going?

Several members interjected.

**Hon Dr STEVE THOMAS:** How is the left?

That is what we need to know because, obviously, the bill before the house has far more to do with the election potential of the Australian Labor Party than it is about regional members.

Having worked out what the genuine purpose of the bill is, which is to look after the membership of the ALP, once we move past that bit, let us have a look at the actual functions of the bill and see how we go. As a part of this process I would have thought that what we in the Legislative Council are here for and what is an appropriate measure for getting us here would be a useful thing to discuss. Answering why we are here might define the purpose of why people would be appointed here. I love this saying: the Legislative Council is a house of review; that is really its only purpose. If that were genuinely the case, and it held no representative capacity, why would we not put in a group of eminent lawyers instead of an elected upper house?

**Hon Alannah MacTiernan:** No. We did go into this issue, member. We went into this issue, and this actually allows a greater diversity of voices that you can’t have in the Legislative Assembly because the need for stability in the LA—the need to have major parties so you can form government. So you have this house where you can have a more disparate array of voice represent it.

**Hon Dr STEVE THOMAS:** We have sidetracked a bit.

**Hon Alannah MacTiernan:** No, that is —

**Hon Dr STEVE THOMAS:** No; we have sidetracked a bit. If we are simply a house of review, we do not need an elected body if we are simply reviewing legislation. Surely the mere fact that there is an election as a part of the process suggests that we are representatives as well as reviewers.

**Hon Alannah MacTiernan:** Exactly; I am not denying that. But you are elected on a different basis because you’ve got a different purpose and it gives an opportunity for a greater array of voices to be heard.

**Hon Dr STEVE THOMAS:** Yes; we are elected on a different basis. I absolutely agree with that. It is even in the second reading speech, and it was not a terrible second reading speech. The parliamentary secretary read this part out —

It is important to understand the role of the Legislative Council. The primary role of the Legislative Council is to be a house of review. It is not the role of the Legislative Council to mirror the Assembly in terms of its form and function.

It is a house of review, but that is far from its only role and if it were its only role and it had a very small representative role, why would we elect people? The point is that the Legislative Council is also supposed to be representative.

**Hon Alannah MacTiernan:** Well, we agree with that. We are not arguing that.

**Hon Dr STEVE THOMAS:** Yes, but we disagree on the definition of “representative”. It is interesting that the Labor Party has complete anathema towards geographical representation but complete embracement of other forms

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of representation—funnily enough, I suspect, forms of representation that would benefit the Labor Party. Self-interest is always the greatest interest and that is fine, but we should at least be having an honest debate about it because to suggest anything else is an absolute nonsense. As acknowledged by the Labor Party, including the minister, the Labor Party has for 127-something years been violently opposed to geographical representation as a priority imposed to other things.

**Hon Alannah MacTiernan:** No. We have been opposed to inequality. That is all I said.

**Hon Dr STEVE THOMAS:** We will get to that in a little bit, too, minister—inequality.

It is a suggestion of the minister that all regions in terms of health measures, or let us call it disadvantage, are equal. If you are opposed to inequality, surely that would be an anathema.

**Hon Alannah MacTiernan:** Member, my point was saying if you took your view to its logical conclusion, you would be giving a person in Lockridge or Armadale 10 times the vote of a person in Peppermint Grove or Cottesloe. So what you are talking about is disadvantage, then if you want to start allocating votes on the basis of disadvantage, you can't just pick the one point that suits you.

**Hon Dr STEVE THOMAS:** Why not? The minister is picking the one point that suits her.

**Hon Alannah MacTiernan:** There are many other parameters of disadvantage. Should Aboriginal people have more votes than non-Aboriginal people because they are more disadvantaged? You get into this game and there is no end to it.

**Hon Dr STEVE THOMAS:** Here is a bit. As put forward by Hon Neil Thomson, where do we see the greatest level of disadvantage amongst Aboriginal people? I am glad the minister has raised this. I have a feeling that Hon Neil Thomson raised it in his contribution to the second reading debate. Guess what? It is not in the Perth metropolitan area. I am not suggesting that there is no disadvantage here.

**Hon Alannah MacTiernan** interjected.

**Hon Dr STEVE THOMAS:** I have not said that there is no disadvantage. I said: where is the majority of disadvantage? If the government was focused on disadvantage, irrespective of ethnicity, it would apply anyway. Across the board, the level of disadvantage is much higher in regional areas, so if the government was so focused on disadvantage and was opposed to giving people in regional areas a hard time, we would have a completely different outcome. Here is a critical point that the Labor Party misses frequently. Again, we have to remember that this is a party political position; it will advantage a political party. If the argument is that regional areas do not need additional representation, surely over the years we would have seen regional areas receive significant advantage because they have a higher proportional representation of Legislative Council members than other areas. Because the Labor Party is so violently opposed to having a geographical spread of representation rather than a numerical spread, surely the current system has created massive advantage for those vast areas that have small populations because those votes are worth more. Is that what we find, honourable members? How many honourable members really think that regional areas have had it easy by comparison?

**Hon Alannah MacTiernan:** You're really messing up this argument.

**Hon Dr STEVE THOMAS:** No, I am not messing it up at all.

**Hon Alannah MacTiernan:** We accept that all people are equal. That is the basic democratic proposition—that all people are equal. You're saying, "But if you live in a regional area, you've got disadvantage." Our argument is that there are all sorts of disadvantage and we're not going in to unpick those and try to do that weighting. We're saying that everyone's vote is equal. Although there are disadvantages, there are disadvantages on so many different fronts: racial, gender, class, income. So the poorer you are, the more votes you should get?

**Hon Dr STEVE THOMAS:** I have heard this furphy forever. It is the argument that says that there is disadvantage everywhere, so that justifies what we are doing. Funnily enough, disadvantage does have a geographical spread. If disadvantage were uniformly spread over the entire state, we would have some semblance of an argument—the philosophical position might have a fraction of credibility. But it is a nonsense, because there is a geographical spread of disadvantage across the state, and that means two things. I am happy to share this map of the geographical spread of disadvantage. Members might be interested in this. I have one of the entire country and I have one of the entire state. Perhaps it is not the easiest of documents to read. There are a couple of ways disadvantage can be measured. The Australian Bureau of Statistics keeps records of disadvantage. It is an excellent service. I will seek to table this document in a bit. On this map of the state of Western Australia, the lighter the colour, the less the disadvantage and the darker red the colour, the greater the disadvantage. I also have a map of the metropolitan area just for comparison. Hon Neil Thomson probably has this up on his wall at home and in his office.

**Hon Matthew Swinbourn:** What was the source, member?

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**Hon Dr STEVE THOMAS:** It is the Australian Bureau of Statistics. It is not always perfect, any more than any other government department, but it is not bad.

**Hon Matthew Swinbourn:** Did you use the Parliamentary Library's access to the social and economic disadvantage tool that's on there to look at that?

**Hon Dr STEVE THOMAS:** It is connected, so it is part of the same website.

There is a geographical spread to disadvantage. What does that mean? It means that having a numerically disproportionate number of representatives in the Legislative Council has not improved the life and welfare of the people beyond that of those in the far more numerical areas of the metropolitan area. This is the problem. It does not matter where the representatives are.

**Hon Alannah MacTiernan:** But you've just said that it didn't improve it.

**Hon Dr STEVE THOMAS:** That is right; it has not improved it.

**Hon Alannah MacTiernan:** So why shouldn't we try another system, then?

**Hon Dr STEVE THOMAS:** Because it is still terrible. The disadvantage is still far worse in regional and remote Western Australia. It is not impacted by the representation. The number of votes per elected member is not the determining factor in disadvantage. It is not the case that, because they have had an advantage electorally over many years in regional Western Australia, they receive better services.

**Hon Alannah MacTiernan:** We didn't argue that.

**Hon Dr STEVE THOMAS:** The minister is absolutely arguing that. She is arguing that it does not matter, but it does matter.

**Hon Alannah MacTiernan:** No; you're arguing that you've had this system and it hasn't worked.

**Hon Dr STEVE THOMAS:** The minister is arguing that it does not matter. By the way, as a number of members have pointed out, it is a system that we inherited from the previous Labor government.

**Hon Peter Collier:** Of which the minister was a member.

**Hon Dr STEVE THOMAS:** I was just about to come to that, Hon Peter Collier. Both the Minister for Regional Development and I were in the other place—the place that shall not be named—in 2005 when this legislation came through in the equivalent form for the Legislative Assembly. The member talked about those who voted. I voted no on numerous occasions. Hon Peter Collier was here and I think Hon Donna Faragher was around at that time as well. I was there in 2005 when the Labor Party took eight seats out of regional Western Australia and moved them into the city. Gee, that has had a big impact on regional disadvantage, hasn't it? That has really helped! What difference did that make? Has it improved the situation? No, it did not make any difference in the slightest.

The Labor Party thought that it would win more seats on the basis of that process. It was adamant that this would be to its political advantage. The argument might come back that it was not to its political advantage because it lost the next election, but it lost the next election because the then Premier, Alan Carpenter, panicked and called an election at least six months early and the people of Western Australia reacted to that. It was a September election instead of a February or March election. He panicked because the Liberal Party, which had struggled with some internal turmoil—funnily enough, I have been around for plenty of it and I am still here; we still survive—changed leadership. The day after the leadership changed, Alan Carpenter called an election and people panicked. Instead of the Liberal and National Parties being annihilated, the people said, "Hang on a minute; we don't like this." It was a bold plan for the Labor Party to decimate the conservatives, again based purely on party politics. The Minister for Regional Development happily participated in removing the eight seats from the regions and moving them into the metropolitan area. Sadly, for me, my seat was one of them, so I have a fair bit of history here and a fair bit of knowledge. Unfortunately, we do not have unlimited speaking times anymore, because I could go into a fair bit of detail about that process, but let us not tempt fate.

**Hon Alannah MacTiernan:** You were beaten by a country Labor member.

**Hon Dr STEVE THOMAS:** It is interesting; my seat disappeared. I was going to bring this up privately, but I will do it now. We were talking to the parliamentary secretary about—I was not; somebody was making a speech—the absolute impartiality of the Electoral Commission. That was in earlier debate, parliamentary secretary. I do not remember his exact words, but I can look at *Hansard*.

**Hon Matthew Swinbourn:** I said it was an independent statutory body.

**Hon Dr STEVE THOMAS:** Yes, it is an independent statutory body.

Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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It was interesting in the 2008 election following the 2005 lower house one vote, one value changes. When my seat of Capel disappeared it was merged into three different seats. It went partly to Vasse, Bunbury and Collie–Preston. At that point, the Liberal Party held Vasse and Bunbury, so there was, effectively, one seat less for me. The interesting part of that was that the seat of Collie and the seat of Capel merged and they called it Collie–Preston. Federally, there has always been a long-term practice that when two seats are merged, the new seat takes the names of the two seats or it is given an independent name. By calling the seat Collie–Preston, the Labor Party was able to run the line that the people of Collie had retained their seat. By removing Capel, they managed to give an electoral advantage to the Labor Party and an electoral disadvantage to the Liberal Party.

**Hon Dr Sally Talbot** interjected.

**Hon Dr STEVE THOMAS:** The Electoral Commission did. I wrote in protest, but the protest was ignored. Whether it was deliberate or accidental, the naming of that seat gave an electoral advantage to the Labor Party, which I thought was either accidentally or deliberately corrupt. I made a complaint.

**Hon Alannah MacTiernan:** Don't you think that Mick Murray was a stronger candidate because he went on to win many times.

**Hon Dr STEVE THOMAS:** If the name of the seat was determined on the basis of who the member was, it was absolutely corrupt. I thank you for raising that, minister. That is what she just said. I am talking about the name of the seat.

**Hon Alannah MacTiernan:** You may have lost the election, not because of the name of the seat but because he was a stronger candidate.

**Hon Dr STEVE THOMAS:** We were discussing the name of the seat. It gave a definitive view.

It is not the case that the Electoral Commission always gets it right. As I say, in this case, in my view, it was either accidentally or deliberately bordering on corruption. I do not know the outcome of that. We can only take it so many places. It is absolutely the case that eight seats moved from the country to the city. It is interesting that the Labor Party at the time was very keen to protect the north west. The north west got a special deal because I think at that time the Labor Party held four of the five seats in the Mining and Pastoral Region. The only one it did not hold was Kalgoorlie, where Matt Birney held the seat. I think that at that point the Labor Party was universally across the board. If there was ever an example of the Labor Party being willing to use electoral reform to its party political advantage, it was the way it operated in the lower house in 2005 to give a special deal to the areas in which it held seats.

**Hon Alannah MacTiernan:** We were trying to negotiate an outcome because we did not have control of the upper house. This was a negotiated outcome.

**Hon Dr STEVE THOMAS:** We will get to the negotiation and the outcome. I am talking about the lower house at this point.

**Hon Alannah MacTiernan:** I know. You know the legislation had to go through here. In order to get Liberal support, then the Greens —

**Hon Dr STEVE THOMAS:** The Labor Party did not get everything it wanted but it got plenty; it got enough.

**Hon Alannah MacTiernan:** We got progress.

**Hon Dr STEVE THOMAS:** The member's party shifted eight seats from the country into the city. Under the current proposal, if we look at the sheer numbers, we have to assume that eight to nine seats would be shifted.

**Hon Alannah MacTiernan:** If you thought it was wrong, why didn't you change it back?

**Hon Dr STEVE THOMAS:** I was not here to change it back. We will see how we go.

**Hon Alannah MacTiernan:** Hon Donna Faragher was here; Hon Peter Collier was here. They could have changed it back if they thought it was wrong, because they had control of the upper house.

**Hon Dr STEVE THOMAS:** We should go back to where it was.

**The ACTING PRESIDENT (Hon Jackie Jarvis):** Members! Order! Leader of the Opposition, I note that you have been responding and accepting interjections, but I will call a halt to interjections if you wish to proceed with your speech.

**Hon Dr STEVE THOMAS:** Thank you, Acting President. To the best of my ability, I will attempt not to respond. I get a bit het up on occasions, particularly defending the welfare of regional Western Australia but not just that, a few other places as well. In the lower house reforms, the first step of 120 years of Labor Party ideology came through and shifted eight lower house seats into the country. Labor Party ideology coming through —

Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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**Hon Alannah MacTiernan:** Democracy is an ideology!

**Hon Dr STEVE THOMAS:** We are now moving to step two of the Labor Party ideological platform and trying to do the same thing. If we look at the sheer numbers again—because it is pretty simple; it is numerical—we have to assume that the bill will shift eight or nine seats from regional parts of Western Australia to the city. It is interesting because there have been a few comparisons with the Senate. A few people have described this as a state Senate. I do not need to go into detail because most of it has been said. The United States Senate has two senators for every state. California with 100 million people —

**Hon Peter Collier:** Forty million.

**Hon Dr STEVE THOMAS:** — forty million or whatever it is and states with a few hundred thousand have the same number of senators. In Australia, Tasmania has the same number of senators as Western Australia. If that were not the case and it was numerical, if we had numerically equivalent senates, I wonder what the GST system might have looked like. That might be an interesting question to ask. What is the agenda for a statewide senator to get to as many people as possible? Where are all the people? There are 75 per cent in metropolitan Perth. What do we have at the moment? I think there are 12 senators for Western Australia. How many have an office outside Perth? I think it is one.

**Hon Alannah MacTiernan:** Who is that?

**Hon Dr STEVE THOMAS:** Labor Senator Patrick Dodson, is it? Is his office in Broome? The minister might know. I think he is the only one. Well done to him; he is a Labor senator.

[Interruption.]

**Hon Dr STEVE THOMAS:** That is a bottle of wine is it not, Acting President? I have never heard the rules—whether it is a bottle of wine for the chamber or one each. Anyway, we will come to that in a bit.

**Hon Dan Caddy** interjected.

**Hon Darren West:** The finest.

**Hon Dr STEVE THOMAS:** That must be a very good drop then. I am in danger here; I might get sat down if I make negative comment about the wine so I must be careful.

Senators are out there where the representation —

**Hon Alannah MacTiernan:** You'd be loyal to your region, wouldn't you?

**Hon Dr STEVE THOMAS:** I have plenty of wines from the south west, do not worry. I do not know that my cellar would be as big as yours, minister, but it is reasonable. Yours might be better. I am sure the Acting President's is a very good one as well.

Where are the senators? They are where the people are, but where are the people? They are in metropolitan Perth. What happens when a Senate-style system is instigated in a state Senate? The representatives are concentrated where the people are and that is in metropolitan Perth. That would be fine if we were uniform in our disadvantage, if we were uniform in our service and if we were uniform in our infrastructure. If we were uniform in all those things, it would not matter, would it? What are we here for, if we are not here to serve the people of Western Australia? I think that is the bit that has been missing both from the speech written for the parliamentary secretary—that is not his fault; I am sure he will do better in his reply than in the one he had to read in—and the speech from the minister —

**Hon Alannah MacTiernan** interjected.

**Hon Dr STEVE THOMAS:** Sorry; you do not think so; you think it will be worse?

**Hon Alannah MacTiernan:** You understand—you can't be that unaware—that the second reading speech has to be a formal document that records the views of the minister responsible for the legislation.

**Hon Dr STEVE THOMAS:** That is fine. If that is the excuse for why it was so bad, that is fine, I do not mind.

What is missing from all those things is the reason we are here, which, in theory, is to improve the welfare of the people of Western Australia. It is in the prayer we hear every morning, "... for the benefit and the welfare of the people of Western Australia". That is theoretically in my view why we are here.

**Hon Alannah MacTiernan:** It is.

**Hon Dr STEVE THOMAS:** That is why we are supposed to be here. It is very hard for people to be on the receiving end of that and have their welfare looked after if they have very limited or no access to any of the representatives, and that is the crux of the problem.

**Hon Alannah MacTiernan:** Do most of your constituents contact you digitally rather than in person?

Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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**Hon Dr STEVE THOMAS:** No.

**Hon Alannah MacTiernan:** Most of the people you see, you see in person?

**Hon Dr STEVE THOMAS:** If we take out all the mass digital responses to everything, the repeats of “Put your name in here to get onto a website”, most of my time is spent out and about interacting with people. Most years I do about 90 000 kilometres a year. Hon Kyle McGinn might do more than that. I am sure that is probably just a warm-up for Hon Neil Thomson. It is funny that in 2019–20, particularly in 2020, I dropped down to 70 000 kilometres due to COVID-19 restrictions. I keep a record of it. I have a rolling logbook just in case I am audited by the Australian Taxation Office, which would not be the first time. I get out and about and I interact with people. I go to meetings and I discuss things with people. Sometimes I just walk down the street and chat to people. I know that is old-fashioned politics, but, in my view, that is the way it is supposed to work. Right now the advantage I have is that I have to do that from Mandurah to Albany, as does the Minister for Regional Development, in theory, and a few other members who are lucky enough to be members for the South West Region. Members such as Hon Sophia Moermond get out and about. I was in Mandurah last weekend and I will be in Albany next week. That is what we do; we get out and interact. Under a statewide model, what am I supposed to do? I am supposed to look after the area from Esperance to Kununurra. What is north of Kununurra?

**Hon Neil Thomson:** Not much.

**Hon Dr STEVE THOMAS:** Not much—the ocean.

**Hon Alannah MacTiernan:** Wyndham.

**Hon Dr STEVE THOMAS:** Sorry, Wyndham. I know that. Is every member supposed to be out there looking after that entire group of people? Is every member then going to cover the entire state?

**Hon Darren West:** That is what the senators do.

**Hon Dr STEVE THOMAS:** Do they really? That raises a very good question: how many people throughout the region interact with a senator?

**Hon Dan Caddy:** There is one senator who spends a lot of her time in the regions.

**Hon Dr STEVE THOMAS:** Okay. That will be interesting to see because that is what we will be doing now. I will be interested to see how we resource that. I hope that going forward the government plans to resource every Legislative Council member’s office to the extent that a senator is, because if our job is to cover the entire state—that is the premise of the government—surely we are expected to cover the entire state. Members cannot look after one region; they have to look after the entire state. It will be very interesting to see whether that happens because I suspect that we will find that members of one of the larger parties might end up divvying up the area, which will not be in the spirit of the law but a practical outcome. Members should remember that this is a party political process, not an electoral one. If the party is big enough to be able to divvy up these areas, it might have an advantage over everybody else. That is what this is about; it is about advantage. In my view, even then, members will struggle to provide the level of service that those communities and the people of Western Australia expect because it is about service, services and infrastructure.

For those who think the current model gives an incredible advantage to regional Western Australia, do they really think that the health services provided in regional Western Australia are as good as those in the metropolitan area? Do they really think that regional Western Australians have the same educational opportunities—they are not always bad—in their region because they have additional MLCs who they can elect and go to? Are the roads in regional Western Australia as good as, or better than, the roads in the metropolitan region because they get to elect a few extra MLCs? Do members really think there is an advantage to regional Western Australia by having a few extra MLCs? It is rubbish. We are always playing catch-up. One of the advantages of having additional MLCs is that it is easier to get that disadvantage recognised. I think that was the major point of Hon Neil Thomson. It is easier to get that disadvantage recognised if people are able to get to their member of Parliament. That is where the greater part of this bill falls down, because it is not about the people. It is not about the welfare of the people; it is about the welfare of the Labor Party’s political machine and its members. If it wants to know how well it is doing, it probably should just go and ask the left how it is going. It is not about the welfare of the people of Western Australia.

This might come as a surprise to a number of members present. Regional people in particular like to be able to eyeball their member and turn up. I hope that some of the members opposite recognise this and are happy to accept that and go forward with it. People want to be able to see their member occasionally in their street.

**Hon Alannah MacTiernan:** You had so many country members who had their office in West Perth. It seems a bit disingenuous.



Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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**Hon Dr STEVE THOMAS:** We are back in history, Acting President. My office has shifted from Bunbury to Margaret River as a good, friendly gesture to allow Hon Jackie Jarvis an office close to her home and then my office ended up close to home. We are both members in the region. It worked for everybody.

**Hon Darren West:** You're a good bloke.

**Hon Dr STEVE THOMAS:** I am a good bloke; that is right. I am here to help.

**Hon Alannah MacTiernan:** I don't think she liked your carpet, though!

**Hon Dr STEVE THOMAS:** If it helps Hon Jackie Jarvis any, the office I inherited was not a lot better than the office I left, to be honest. Hon Steve Martin has been waiting for months to get an office back in the region. Former members of the Liberal Party in regional areas have had their offices in Perth, but none of the current members does. If they do, they are trying to shift it back out. I think the minister's argument is spurious. The Labor Party likes to drag out this history, but it is a nonsense from where we sit today—an absolute nonsense.

Country people like to eyeball their members. They like to think we have some understanding of the people and the communities. There was a speech from one of the Labor members the other day. It might have been Hon Shelley Payne. Was she talking about Varley? That is a town I have gone through as well, not infrequently. Not that there is much of a main street in Varley—it is not very big—but I occasionally stop there.

**Hon Alannah MacTiernan:** Where are you talking about?

**Hon Shelley Payne:** Varley—one of the towns.

**Hon Dr STEVE THOMAS:** They will draw the minister a map a bit later. There is not very much there.

**Hon Shelley Payne:** There is a COVID clinic.

**Hon Dr STEVE THOMAS:** Yes, it is an interesting spot. But people in places like that, all across regional Western Australia, like to see their members turn up and engage with them and occasionally know something about their towns. That will just get harder. Whether members opposite think they have been doing a good job as a regional member of the Labor Party and going to these places, which is great —

**Hon Darren West:** I have been.

**Hon Dr STEVE THOMAS:** Yes, I am sure members do go there, but they are about to vote in a bill that will make that 10 times harder because in the case of Hon Darren West, he will not represent just the Agricultural Region, but also the South West Region and the Mining and Pastoral Region, and he will not get to all those places.

**Hon Darren West:** See you there.

**Hon Dr STEVE THOMAS:** No, I have done a reasonable amount of Western Australia, but there is no way I have been everywhere—and I am not going to sing the song! There are lots of places I have not been to and I have been trying to do this for a fair while. It is hard work to get everywhere. I have been to Kununurra, Derby, Broome and Esperance plenty—all those places—but there are lots of places I have not been to and lots of places I still want to get to that I have not visited. Regional members in particular, but also metropolitan members, are about to vote in this bill and they will no longer represent those small geographical areas of north, south and east metropolitan. They will suddenly be responsible for the entire state. They might argue that we will divide the area and leave Hon Darren West the midwest region and the great southern and south west to other members.

**Hon Darren West:** If you get invited to the midwest, I can go on your behalf.

**Hon Dr STEVE THOMAS:** Oh, okay. I have been up there a reasonable number of times. I do not know that I would send Hon Darren West.

Members opposite are about to vote in a bill that will make it 10 times harder. They are about to disenfranchise the very people they represent at this point. They are about to make their lives more difficult, not less difficult. My frustration is that this is a bill that will disenfranchise regional people. The Labor Party has a history on this. It saddens me to see what it has done to the royalties for regions budget, for example—the budget that was specifically aimed at regional enfranchisement. Whether we call it substitution or transubsidisation, it does not really matter. It is the shifting of funds into the budget so that the government can quietly flip them back to Perth. Interestingly, there was a bit less this year because the government wanted to fund a few more 2021 Labor election commitments. However, that fund is a plaything rather than being what it was designed for, which is the empowerment and enfranchisement of regional areas. The Labor Party of Western Australia has form in that regard. It is interested in disenfranchising regional Western Australia. It is interested in taking away that regional voice.

**Hon Alannah MacTiernan:** Why do you think we had such strong support in regional areas?

Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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**Hon Dr STEVE THOMAS:** Oh, my goodness. The member is going to claim a mandate for this. The government has no mandate for this.

**Hon Alannah MacTiernan:** No, I am saying that if people thought we were taking resources away from the regions, why did they —

**Hon Dr STEVE THOMAS:** The government denied it seven times: “No, it’s not on our agenda.”

**The ACTING PRESIDENT (Hon Jackie Jarvis):** Members! The Leader of the Opposition has the call.

**Hon Dr STEVE THOMAS:** Thank you, Acting President.

There is no mandate for this. It was denied seven times during the COVID election. It was not going to happen, but suddenly there it was. I get it; there is an opportunity to fulfil the 120-year ideological dream of the Labor Party, run by the unions, the left, the United Workers Union and the Australian Manufacturing Workers’ Union. The ideological dream is within grasp. Members opposite can smell it. They can nearly touch it. It is nearly here. It is just over the next step, and they are about to deliver it. They are about to bite into that sweet taste of victory, and I understand that. But when they do it, they will be spitting in the face of regional Western Australia. They will be stripping it of its representation, and that representation is critical to its welfare. It is not the case that regional Western Australia currently has some form of advantage. The greatest shame of this bill is that it is not actually about the people of Western Australia. It is not about their welfare, saving the children, protecting the police, finding homes, looking after hospitals, services or facilities. All of that in regional Western Australia is going to get worse over time after this bill is passed. All of that will deteriorate. What is this bill about? It is about the political fortunes of the Australian Labor Party and the political masters and factions that control it, and it will be a sad day for this Parliament when the bill inevitably passes.

**HON DR BRAD PETTITT (South Metropolitan) [3.52 pm]:** I rise in support of the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. The Greens have long supported the principle of one vote, one value and the abolition of the undemocratic group ticket voting process. I will start with a quote from electoral analyst Antony Green, who has been well quoted in the chamber today. We agree with him when he says —

The malapportionment that applied to lower house boundaries was abolished with the introduction of one-vote one-value electoral boundaries at the 2008 election.

But malapportionment remains for the Legislative Council, and was in fact made worse by changes to region representation in 2008.

There is no doubt that the legislation before us will, in my view, correct a system that has not been fair for some time, in terms of weighting. It is said that weighting of the Mining and Pastoral Region compared with metropolitan regions is six to one, but it is probably closer to seven to one when voter turnout is considered. That is an extraordinary weighting. We think the principle of one vote, one value is important, and we also support the principle of proportional representation.

The Greens’ submission to the Ministerial Expert Committee on Electoral Reform looked at two models: the first model proposed four regions with nine members in each region—three metropolitan regions and one large rural region combining the current regions of Mining and Pastoral, Agricultural and South West. Ultimately, however, the preferred model was very similar to the one the committee came up with, the difference being that we proposed 36 members elected every four years, and the committee came up with 37 members, which I actually think is quite rational and supportable. But certainly, the idea of one statewide region is one that we are very supportive of.

The second issue in this legislation is the group ticket voting system. I was especially keen to see this changed. There has been a lot of discussion around my parliamentary colleague Hon Wilson Tucker’s 98 primary votes, or 0.2 per cent, on which he was elected, and the extreme gaming of that system. I think we are very fortunate to have got someone of his quality in this place; I think we all agree that he is a high-quality representative, but we may not be that lucky next time. The system currently can be gamed to the extent that someone can be elected on so few votes. To me the process felt increasingly like a lottery, and parliamentary voting systems should not feel like a lottery. It should feel more like people’s votes are being clearly represented, but for those of us who were elected according to our regions, it literally felt like a lottery, and that we were waiting for the Electoral Commission to press the button to see who got elected. I feel very fortunate that I was elected, but of course many of my colleagues were not. However, our support for this legislation is not simply because we will likely see more Greens in this place after the next election; it is just a fairer, better and more principled way forward.

In summary, the Greens position is that we recommend the 37-member model for the Legislative Council, ensuring the ideal of one vote, one value, and we support the abolishment of group ticket voting, removing the gaming of our electoral processes. Thank you.

Hon Neil Thomson; Hon Colin De Grussa; Hon Steve Martin; Hon Lorna Harper; Hon Dr Steve Thomas; Hon Donna Faragher; Hon Alannah MacTiernan; Hon Dr Brad Pettitt; Hon Matthew Swinbourn

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**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [3.57 pm] — in reply: I acknowledge all members who have made contributions to the second reading debate on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, which I will refer to as simply the electoral equality bill from this point forward. This is obviously an issue of great importance for this chamber and all members, as was evidenced by the passionate debate we have had over the past week. I appreciate the genuine and deeply held views on this issue, particularly from regional members. For the government's part, the principle upholding this legislation is a similarly deeply held and genuine commitment to equality.

Much of my speech will focus on the whole-of-state electorate rather than the other key plank of this reform, the abolition of group ticket voting. That is because most of the chamber was in agreement that group ticket voting has had its day in WA, and that it is appropriate to call time on it. I appreciate the remarks made by Hon Tjorn Sibma, who said that the abolition of group voting tickets would go a substantial way towards putting profit-seeking preference whisperers out of business.

I think Hon Wilson Tucker surprised and impressed many of us by signalling his support for changes to group voting tickets. It speaks volumes about his character that he recognised the overarching public interest in overhauling that aspect of our voting system, despite group voting tickets being responsible for his election. I think most of us appreciate that Hon Wilson Tucker makes a valuable contribution to this chamber, notwithstanding the circumstances of his election. Hon Wilson Tucker, for whatever it is worth, it is not a personal attack against you; rather, it is about the structural circumstances that led to your election. I would like to think that I speak for all members when I say that.

I turn to a key theme of many of the second reading contributions; that is, the concept of voting equality versus equity. It is nice to hear the conservative parties talking so passionately about equity for a change; it is not typically part of their language. It would certainly be nice to see them advocating for equity in many other areas of policy and across the Western Australian community. Voting equality is a well-established principle in electoral systems. It is not new or radical in any sense. The government's second reading speech referred to the International Covenant on Civil and Political Rights, which, under article 25, holds that every citizen has the right to vote and that that vote shall be of equal value. Australia became a signatory to the covenant in 1980. I was only five years old in 1980, but I recall that that was the term of the Liberal and National government—maybe it was the Country Party back in those days. Malcolm Fraser was the Prime Minister and Doug Anthony was the Deputy Prime Minister. The Minister for Regional Development will correct me if I am wrong.

Federally, the Liberal and National Parties have made a commitment to those concepts of an equal value. I wish it was reflected in the state parties but, lamentably, it is not. I suspect that every member here knows in their heart of hearts that if one was going to fairly start an electoral system from scratch today, it would be from the operating presumption that everyone's vote is equal. It would be very hard to make the argument in this day and age that someone's vote should be worth more based on a particular set of circumstances. I suspect that if someone tried to implement regional vote weighting as a founding principle of a brand new electoral system, they would have to not only make the argument that regional or remote residential status is worthy of extra franchise, but that other forms of disadvantage are not. Remember, when members opposite make a choice, they pick one to the exclusion of all others. There would also need to be some logical consistency in the model that was proposed so that it does not produce the extreme anomalous results that occur under the current system. I invite members to think about how they would react if representatives from a disadvantaged group approached them and asked for extra voting rights on the basis that disadvantaged members of the Western Australian community deserve enhanced treatment in the eyes of this Parliament. Indigenous people; people with disabilities; people who are culturally and linguistically diverse, those with English as a second language; the mentally ill and veterans of armed conflicts are disadvantaged. We would have to look them in the eye and say, "No. Only regional and remote Western Australians deserve extra voting rights. You do not." I challenge any member to say that to someone who goes to them with that proposition: "You are a person of disadvantage but you do not deserve as much say as someone who lives remotely, regionally or outside the metropolitan region scheme."

Members might be pressed to explain the criteria upon which enhanced voting rights are applied. Is the distance from the Perth metropolitan area the relevant metric? No, it is not. Collie is twice the distance from Perth than York, but York, which is in the Agricultural Region, currently gets 2.3 times the voting value of Collie, which is in the South West Region. Mt Barker is significantly further away from Perth than Narrogin, yet Narrogin voters have enhanced voting rights compared with Mt Barker. Members opposite did not talk about those inconsistencies in any way, shape or form. Wundowie and Wooroloo are practically next to each other—they are about eight or nine kilometres apart—but a vote in Wundowie is worth four times the vote of one in Wooroloo. Honourable members opposite did not address those anomalous and ridiculous extremes. If distance is not the relevant metric to attract an enhanced vote, is it, perhaps, isolation and connectedness? No, it cannot be that either, because Esperance is further away from Perth than Kalgoorlie—Kalgoorlie has daily flights and trains connecting it to the metropolitan

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area—yet Kalgoorlie, in the Mining and Pastoral Region, has one and a half times the vote of Esperance residents in the Agricultural Region. We could pick any metric. We have heard about a variety of metrics during the course of the debate across both houses—the quality of roads, water, mobile phone and internet services, hospitals, schools and even the quality of the milk! In every instance we would be able to find examples of areas that fare better than others, yet despite those advantages they enjoy enhanced voting rights compared with the towns that fare worse.

I take us to the point that was raised by Hon Dr Steve Thomas and the map of disadvantage that he talked about but did not table. The Australian Bureau of Statistics publishes its Index of Relative Socio-economic Disadvantage after each census. Members may be interested to know that in the last index, the districts of Thornlie, Rockingham, Armadale and Mirrabooka featured in the bottom 10 districts of the state. Four of the 10 districts that are most disadvantaged are within the metropolitan area. The Premier's electorate of Rockingham rated beneath the Leader of the Opposition's electorate of Central Wheatbelt for socio-economic disadvantage. That is what members opposite are arguing for. Disadvantage is faced across WA; it is not just a regional problem. Members opposite refuse to accept that. They think that once they cross the metropolitan region scheme, they enter nirvana. This is why we say the philosophical argument put by the opposition, which I have loosely described as equality versus equity, does not stand up to serious scrutiny. It is beyond question that malapportionment that currently exists will get worse over time.

Several members interjected.

**Hon MATTHEW SWINBOURN:** Acting President, I am not taking interjections. I make that clear from the outset.

As Antony Green put it in his interview with ABC *Mornings* the day after the Ministerial Expert Committee on Electoral Reform released its report, “The problem is if you depart from one vote, one value, what is the correct weighting? Is it one to three, one to four, one to six—which is the different weightings the regions have—and those weightings keep getting bigger over time?” Those opposite would have the public believe that this reform will pit metropolitan Perth against regional WA, but the reality is that the current system already pits country region against country region; another point not acknowledged at any stage in the contributions of members opposite. There is no equity in the current system; we accept that and that is why we say that the only way to ensure fairness across Western Australia is to implement equality of votes.

Another central tenor of the argument against the bill is that regional communities need to be represented by a Legislative Councillor who lives in the regions because only a regionally based representative can understand the concerns of the regions. Under the current system, there is no requirement that a member who is elected to represent a particular region must live in that region. I am not being critical of members in this place who do not live in their electorate; I am simply making this point. The argument has been made by a lot of members that the current system ensures that regional people are not represented by Legislative Councillors who live and work in the metropolitan area, but that is not true. Currently, there is nothing preventing regional members from having their offices in West Perth, and I make no value judgement about that. I believe these members made a genuine decision that they could best represent the people who elected them by having their electorate office close to Parliament. That is their valid choice and that will not change. Under the current system, members are able to put their electorate office—so long as they negotiate with the Department of the Premier and Cabinet—wherever they choose. Under the new system, members will still be able to have it where they choose. It is not mandated by electoral laws that Legislative Council members' offices must be in their region, and we are not proposing that.

Many members opposite have accused us of not understanding the regions. Labor is charged by some members as being city-centric. Hon Donna Faragher claimed that the regions are an inconvenience for Labor. I make the point that the last four Labor Premiers have come from regional or rural areas. Carmen Lawrence came from Northam; Geoff Gallop came from Geraldton.

**Hon Donna Faragher** interjected.

**The ACTING PRESIDENT (Hon Jackie Jarvis):** The member indicated that he is not taking interjections. Please continue.

**Hon MATTHEW SWINBOURN:** Thank you, Acting President.

Alan Carpenter came from Albany and the current Premier was born and raised in country New South Wales. We can contrast that—remember the allegation against us is that we do not understand the regions—with where the last three longest serving Liberal Party Premiers came from. Hon Colin Barnett, Hon Charles Court and Hon Richard Court all came from the golden triangle, around Nedlands and Claremont. They did not have to travel far. What was it? They had to travel two or three kilometres over the hill to get to Parliament, yet members opposite say that our party does not have connections to the regions. This government well understands the regions. This Labor Party understands the regions. It was established from the regions. This government has more regional

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members than any government in Western Australia's history, and it is a fallacy to suggest that these members do not understand these areas.

Some members raised the issue of a referendum and taking it to the people. This was dealt with by the Minister for Electoral Affairs in the Legislative Assembly. He rightly pointed out that the Liberal–National government set the template when introducing electoral reform legislation. In 1977, Sir Charles Court introduced the Acts Amendment (Constitution) Bill.

**Hon Tjorn Sibma:** In 1977! I was just born!

**Hon MATTHEW SWINBOURN:** The bill lapsed but was reintroduced in 1978.

Several members interjected.

**The ACTING PRESIDENT:** Order! Parliamentary secretary, please continue without interjections, thank you.

**Hon MATTHEW SWINBOURN:** Thank you, Acting President. The bill lapsed, but was reintroduced in 1978, with one amendment regarding the timing for a referendum. The amendments, which are still in place, entrenched the office of the Governor and the house of Parliament, and that members must be chosen directly by the people, that there can be no reduction in the number of members in either house, and certain other provisions in the Constitution Act 1889, including section 73 itself, the entrenching provision. A referendum is required to amend any of those entrenched provisions, including section 73 itself. That is the law as it currently stands in Western Australia. There must be a referendum to deal with any of those matters. Yes, it came from 1978, when some members of this place may not have been born, but it remains the law of the land. That is what a previous Liberal Premier put in place. He did not go to the people to check that out. That is not the only form of members opposite. Sir Charles Court basically went in and locked the door behind him. Western Australian electors were not consulted on any of these constitutional amendments and Parliament cannot change those entrenched rules introduced by the Court bill without first going to a referendum. You have form in this area. You have no legitimacy in this area. The Court government also did not hold a referendum when it introduced the Constitution Acts Amendment Bill to prevent a bill being called into question by any court by reason of noncompliance with section 46 of the Constitution Act, or on the Acts Amendment (Electoral Provinces and Districts) Bill to redistribute electoral boundaries and increase the number of members in Parliament. The Barnett government did not hold a referendum in 2011 when it introduced the Electoral and Constitution Amendment Bill to fix the date of general elections, a policy it did not take to the previous election in 2008 but rather was an outcome of a deal that was done to secure its government post-the election. It was part of the deal with the National Party. Nor did it do that in 2014 when it introduced another electoral amendment bill to change the powers of the electoral distribution commissioners and include additional matters for their consideration when fixing boundaries.

I pause to point out that in a referendum, each vote is counted equally. They are not subject to vote weighting. By invoking a referendum, members opposite are essentially embracing the concept of one vote, one value. Welcome to the party! I invite members opposite to reflect on the contradiction of cloaking themselves in one vote, one value as a principle when it suits their argument for a referendum, yet they vote to deny electoral equality when it comes to this bill.

That was not the only confused argument that we heard in the second reading debate. We heard that the bill simultaneously is a Labor power grab and will lead to a proliferation of single issue micro-parties. Clearly, this is not a Labor power grab. Antony Green, in that same interview with ABC *Mornings* on 16 September 2021, following the release of the report of the Ministerial Expert Committee on Electoral Reform, predicted that the major parties would struggle to get control of the Legislative Council again under these reforms—a point that was made by Hon Alannah MacTiernan. Other commentators have made the same observation. Introducing a level playing field, which is what this bill will do, cannot be seen to advantage any side of politics. I was somewhat disappointed to hear Hon Wilson Tucker, as one of the chamber's newest members, pose a very cynical and jaded sounding question along the lines of: why would the government pursue one vote, one value if it does not benefit it? The answer, member, is that Labor is committed to equality. Labor was committed to the franchise of women and Aboriginal people before that was applied to this chamber. This is the next step on the path to equality. Members, including Hon Steve Martin and Hon Dr Steve Thomas, spoke about the fortunes of single issue and micro-parties under this bill. Yes, smaller parties may get elected, but it will be up to the voters on an equal playing field. With a quota of 2.63 per cent of the whole-state electorate, even a candidate on half a quota will have to garner 19 000 votes to be elected—19 000 votes. With the greatest respect, of course, to my friend Hon Wilson Tucker, this is a far cry from the Daylight Saving Party's lead candidate receiving a total of 3 400 votes to be elected to this Parliament today. That was with the 95 first preference votes for his party and the three votes for himself. This bill will well and truly achieve the government's intention of removing the possibility of members being elected to the Legislative Council on just a handful of votes.

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Another contradiction embedded in the opposition's argument could be found in the approach to the ministerial expert committee process. On the one hand, members argued that it was a sham process and a waste of time, yet on the other hand they extensively quoted some submissions—of course, only those that supported their arguments—and highlighted parts of the final report. If members were reading from the submissions of people who contributed to the process, then it was certainly not a sham. That demonstrates that Western Australians were heard on this matter and had their views presented in this Parliament. This is a good thing. I accept that not everyone who submitted to the process would be happy with this outcome, but every submission was read and considered.

With respect to Hon Martin Aldridge, he misrepresented the breakdown of submissions for and against the government's model. He said he was advised in his briefing that 62 of the 184 submissions supported electoral equality and 79 did not. It is inaccurate to characterise what the advisers said in that way. The advisers made the point during the briefing that the remaining submissions were varied. The true position is that 62 submissions supported equality of votes. The remaining submissions were extremely varied in how they addressed the terms of reference. For example, only 29 specifically favoured keeping the existing system, five submissions called for the abolition of the Council, eight favoured a threshold to be returned at an election, eight favoured half terms, four favoured mixed member proportional representation similar to New Zealand, and eight submissions called for first-past-the-post voting. Of the remaining submissions that favoured a regions-based system, there was a variety of proposed models, such as four by nine or two by 18, or other adjusted weighting. It is important to note that disagreement increased over time, and there are reasonable grounds to believe that some submitters collaborated in their opposition. For example, there were 24 submissions from the Western Australian Local Government Association and local government shires. The submissions from WALGA, Great Eastern Country Zone and Regional Capitals Alliance Western Australia were virtually identical. Other shires appeared to have copied directly from the WALGA template, including the Shire of Trayning, the Kulin Shire Council, the Shire of Bruce Rock and the Shire of Mt Marshall. The Shires of Narrogin and Boyup Brook also apparently relied on a joint template. The Shire of Chapman Valley and the City of Karratha at least indicated that they had relied on the submission put forward by WALGA and did not simply copy the template and put it forward as their own work. They were perfectly entitled to do that, but there is a question about how much weight can be given individually to template submissions. Members, including Hon Tjorn Sibma and Hon Colin de Grussa, quoted Hon Andrew Murray's submission. His arguments were heard and considered.

Members asserted that there was no appetite from the public for this reform. Submissions opposing the whole-state model have been read onto the record, so it is appropriate that submissions from ordinary Western Australians supportive of one vote, one value are also put on *Hansard*. Anthony Negus, who is a country voter, submitted to the ministerial expert committee —

... the idea that in 2021 a voter in the Mining and Pastoral region in the Legislative Council of WA should have a vote worth more than six times the value of any vote cast by a citizen living in the Perth Metropolitan region is simply outrageous and scandalous. It represents a travesty of democracy and is inherently unjust.

Joe Boswell wrote —

... everyone who has a vote now will still have a vote if malapportionment is eliminated. Nobody will be disenfranchised.

Madelyn Ellison wrote —

Of course it is important for regional people to have their voices heard, but it is completely unfair that their voices should count for more than others, just because they live in a less populated area.

A south west voter said —

Each persons' vote should have equal value in determining the outcome of deliberations in the Legislative Council and malapportionment should be abolished.

There were submissions for and against one vote, one value. The point is that the arguments for and against have been weighed and considered by the ministerial expert committee and the government, and the government has made a policy decision.

A low point in the debate, I would contend, would have to be the besmirching of members of the ministerial expert committee. That was unbecoming of this chamber at times. Malcolm McCusker was an impeccable chair. He is an eminent Western Australian—the thirty-first Governor of Western Australia, appointed by Colin Barnett. The government also appointed three leading electoral constitutional academics to work with Mr McCusker to provide recommendations to government. As the government's second reading speech made clear, the government set the policy question: how to best achieve electoral equality in the Legislative Council. It then asked a panel of leading experts in electoral and constitutional law to turn their independent minds to providing the Minister for Electoral

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Affairs with the best way to achieve reform, drawing from their extensive knowledge in the complex fields. Professor John Phillimore is a Rhodes Scholar for Western Australia and for the past 30 years has worked as an academic or as a senior adviser to the Western Australian government. Professor Sarah Murray is an expert in constitutional law, electoral law and court innovation at the Law School of the University of Western Australia. She is a member of the Law Reform Commission of Western Australia. Associate Professor Martin Drum, known by many in Parliament, is an associate professor in politics and international relations and director of public policy at the University of Notre Dame, Fremantle. I take this moment to thank them again for their work and their contribution.

Hon Neil Thomson, I think during debate on the referral motion to committee, stooped into the gutter by saying that the academics would have a stain on their reputation by authoring this report. That was uncalled for, and I hope he takes the opportunity to reach out to those members to make it clear that he did not mean what he said; that is up to him, of course. Yes, the three professors have previously expressed support for electoral equality. This does not make them biased; it makes them inclined towards best practice in their field. It is hardly a surprise. The February 2019 letter cited by the opposition as evidence of their unsuitability was signed by not only Professors Phillimore, Drum and Murray but nine other academics, scholars and political scientists, who were moved to write calling for reform. There is no conspiracy to be had here. Electoral equality is the dominant view in this field.

The committee produced a discussion paper that was published on its website. The ministerial expert committee called for submissions, and apart from the small number who requested confidentiality, all of the other 184 submissions were published, as were the committee's terms of reference and the final report. The MEC process was transparent and fair. Members, including Hon Martin Aldridge, Hon Neil Thomson and Hon Steve Martin criticised the MEC for not going to the regions to take submissions. Hon Steve Martin went so far as to say that the committee could not find anyone from the regions "to make a reasonable contribution to the report". This completely ignores the large number of submissions to the committee emailed from all corners of Western Australia. More than 40 submissions were from the regions.

Several members argued that the ministerial expert committee process was flawed because it was "handcuffed" by its terms of reference. Yes, the terms of reference tasked the committee with recommending options for achieving electoral equality, but there was no certainty in how the committee would get there. The discussion paper published by the committee showed that the committee was exploring two main options: retention of regions, and one electorate. In its final report, the committee canvassed the regions option in considerable detail and argued why those options were challenging. That whole section of the report appears to have been overlooked. I suspect that some members actually have not read the report.

Other members in both this house and the other place argued for the retention of regions in Western Australia. The argument is basically that if we support Western Australia having an equal number of senators to the number in other states, we should be in favour of the WA regions each electing six members. We say the comparison between the Senate and the Western Australian Legislative Council regions is misleading. The Senate is known as the states' house, because it was a creation of the states. The states made it a condition of Federation that each of the colonies, which had pre-existed as a self-governing jurisdiction, should have equal numbers in the Senate. It was part of the compact that was made. It is written into the commonwealth Constitution. There is no comparison between the colonies and the Mining and Pastoral Region, the Agricultural Region or the South West Region. The regions did not pre-exist as autonomous entities that had collectively made a decision to be governed by the Legislative Council, so long as each had equal representation. The house is not a creation of the regions, like the Senate is the creation of the states. It is the other way around. The regions are a creation of this Parliament. We say that there are simply no equivalent Federation considerations to be had that would enable the Senate argument to be properly applied to the Western Australian regions.

Interestingly, there was a divergence of views among the Liberal Party as to the acceptability of one vote, one value in the Western Australian upper house when compared with the United States context. Hon Tjorn Sibma said that if he lived in the United States, which has a more evenly distributed population, he would accept the argument of one vote, one value. However, Hon Peter Collier cited the widely different populations of the US states, with 39.5 million people in California and 579 000 people in Wyoming, each of which elects two senators, as though that was something to aspire to. I do not think many people would look to the choose your own adventure story that is the United States electoral system. I also note that most electoral officials in the US are not independent, as they are in Western Australia, and do not represent best practice.

Another familiar argument from speakers, such as Hon Tjorn Sibma and Hon Wilson Tucker, was that the government used the election of Hon Wilson Tucker as an excuse to usher in wider reforms. As the Premier has said repeatedly, no-one could have reasonably predicted that someone could be elected on fewer than 100 first preference votes. The person who orchestrated the result was quoted in *The Guardian* of 7 April 2021, just after the election, saying that the election of Hon Wilson Tucker with so few first preference votes was "his finest work yet". Even the preference whisperer regarded that result in the Mining and Pastoral Region as something out of the box. There is

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no other region in which the required number of votes could be so low. The point is that the outcome was the result of the combined effect of group voting tickets and malapportionment. The two issues are intertwined because one compounds the other; we are addressing both.

I have explained during previous debates in this place that electoral reform of this nature could not have been on our agenda because the Labor Party has never before had the numbers in this chamber. The Liberal and National Parties have always had that status in government; although of course when that happens, it is called “a working majority” rather than “total control”. There was no confidence within Labor prior to the election that the election would deliver a working majority in both houses; ergo, it could not have been on our agenda at that time.

I would venture to suggest that some members got perhaps a little hysterical in their descriptions of this bill. Hon Peter Collier said that the government wanted to “napalm the Legislative Council”. During the debate on whether to send the bill to committee, Hon Martin Aldridge accused Labor of wanting to abolish regional Western Australia. I can assure members that regional Western Australia will continue to exist under this legislation. Several members, including Hon Peter Collier, accused the government of disenfranchising voters. This is simply wrong. Disenfranchisement means to deprive someone of the right to vote. The *Cambridge Dictionary* definition is a person not having the right to vote or a similar right or having that right taken away. It is simply wrong to say that this bill does anything to disenfranchise voters. It is quite the opposite; it attaches equal franchise to all voters.

Putting aside the hyperbole about this bill and its intent, let us acknowledge that there have been a variety of views expressed over a long period about what should happen with this place, and some of them have been extreme. We all know that Colin Barnett in the 1990s advocated abolishing the Legislative Council. That sentiment is alive and well in the Nationals WA today, with its leading candidate for the Mining and Pastoral Region, “Big Nick” Fardell, making the same call on ABC radio on 3 May this year. What is the Nationals WA hiding? It is well-known that Mr Barnett walked away from abolishing this chamber, but it is often overlooked that he later advocated abolishing electorate offices for Legislative Council members. I quote from ABC online of 7 June 2007 —

The former Opposition Leader, Colin Barnett, has called for a revamp of the Upper House of State Parliament. He has labelled it a “poor relation” of the Lower House.

...

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

“I don’t see a role for Upper House members in having electorate offices scattered throughout the community because the community doesn’t really identify with them,” he said.

I simply make the point that for all the opposition’s mudslinging at Labor, there have been far more extreme ideas for reform of the Legislative Council from within its side of politics that have not been pursued by this government. Conversely, a whole-of-state electorate has support within conservative ranks as well. Former Speaker Michael Sutherland made a submission to the Ministerial Expert Committee on Electoral Reform, which was published in the final report. I quote —

*There is no reason why the 6 regions should remain. Many MLCs elected for country regions have no real connection with the region they represent and have their offices in West Perth. Most electors have no idea who the MLCs for their region are let alone what work they do. The Upper House is supposed to be a house of review and members are generally not over concerned with constituents, many have minimal contact with the public.*

Although we agree that a whole-of-state electorate is the right step for the Legislative Council, Labor does not agree with the former Speaker that regional MLCs have little connection with the regions. We say members should live in and work out of the communities they feel an affinity with, and that is what this bill will allow. Members can actively campaign at an election on where they will have their electorate office should they get elected. It will be completely up to the successful candidates and their parties. This brings me to the crux of the opposition’s arguments against this bill—that it somehow reduces regional representation. Labor has made it clear that our members will continue to provide regional representation, so there is no reduction there. Is the Nationals WA seriously saying that if elected, it will no longer represent the regions? Is the Liberal Party seriously saying that it will no longer have regional electorate offices among the Legislative Council members? Where is the reduction in regional representation?

Hon James Hayward raised the fact that he has taken a keen interest in Fitzroy Crossing and the issues in that community. He questions who would go to Fitzroy Crossing under a whole-of-state electorate. The member is currently a member for the South West Region and he travels to Fitzroy Crossing to represent its interests. That is a perfect demonstration that it does not matter what the footprint of his electorate is; as members of the Legislative Council, we can and do represent the interests of all Western Australians. Hon James Hayward’s advocacy in the north of the state is to



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be commended and a single-state electorate will throw off the shackles for other members so they can develop a connection with, and advocate for, remote Western Australians.

The National Party in particular is taking a very pessimistic view of this legislation and it is the main opposition party. In the lower house, the National Party leader is the Leader of the Opposition, whose profile will be sky-high during an election, and who presumably the Liberal Party will permit to be the next Premier, if it is successful. For the first time, the National Party will be able to harness votes across the metropolitan area and pool them with those from its traditional regional base to secure multiple quotas. It could do very well out of this reform. Remember that the National Party has a history of crying wolf when it comes to electoral reform. Some said one vote, one value was its death knell in the other place during 2005. History shows that the National Party held its ground at the next election, in 2008, winning four lower house seats to take the balance of power in a minority government and implementing royalties for regions. Of course, that number rose to five seats when the member for North West Central ratted on his own party and switched sides in 2009! At the 2013 election, the Nationals won seven lower house seats—a high-water mark.

Several members interjected.

**The PRESIDENT:** Order, members! One more minute, member.

**Hon MATTHEW SWINBOURN:** It was a high-water mark that many said was impossible. This reform will open up new possibilities for all candidates and parties, and they should not be selling themselves short.

I have to pull Hon Martin Aldridge up on something he said about one of the major features of the bill: the provision for a thirty-seventh member of this chamber. He claimed that the explanatory memorandum stated that having 37 members would make it easier.

Debate interrupted, pursuant to standing orders.

[Continued on page 4997.]