

Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr Matt Birney; Mr Bernie Masters; Mr John Kobelke; Mr Ross Ainsworth; Mr Paul Omodei; Mr Jeremy Edwards; Mr Colin Barnett; Mr Larry Graham; Acting Speaker; Mrs Cheryl Edwardes; Speaker; Mr Pandal

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**ELECTORAL AMENDMENT BILL 2001**

*Returned*

Bill returned from the Council with amendments.

*Council's Amendments - Consideration in Detail*

The amendments made by the Council were as follows -

**No 1**

Clause 4, page 3, line 22 - To insert after "leader" -  
or representative

**No 2**

Clause 4, page 3, line 23 - To insert after "party" -  
and Independent members

**No 3**

Clause 4, page 3, line 23 - To insert after "Parliament" -  
and shall seek the written views of the Parliamentary Leader or representative of each party  
and Independent member in the Parliament

**No 4**

Clause 4, page 4, line 11 - To insert before "and" -  
, the Agricultural Region, the Mining and Pastoral Region

**No 5**

Clause 4, page 4, line 12 - To delete "7" and insert instead "6".

**No 6**

Clause 4, page 4, line 14 - To delete the comma before "the" and insert instead "and".

**No 7**

Clause 4, page 4, lines 14 to 16 - To delete -  
, the Agricultural Region and the Mining and Pastoral Region

**No 8**

Clause 4, page 4, line 25 to page 5, line 3 - To delete the lines and insert instead -

**16F. Division required after each election**

The State shall be divided into districts and regions in accordance with this Part as soon as practicable after the day that is 2 years after polling day for each general election for the Assembly held after the day on which section 4 of the *Electoral Amendment Act 2001* comes into operation.

**No 9**

Clause 4, page 5, lines 12 to 18 - To delete the lines.

**No 10**

Clause 4, page 7, lines 15 to 17 - To delete the lines.

**No 11**

Clause 4, page 8, line 6 - To delete "projection time" and insert instead -  
day specified in section 16E, 16F or 16G(1) as the day as soon as practicable after which the division is to be carried out

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**No 12**

Clause 4, page 8, line 9 - To delete “at the projection time” and insert instead -  
on the day so specified

**No 13**

Clause 4, page 8, line 13 - To delete “projection time” and insert instead -  
day specified in section 16E, 16F or 16G(1) as the day as soon as practicable after which the division is to be carried out

**No 14**

Clause 4, page 8, line 17 - To delete “projection time” and insert instead -  
day specified in section 16E, 16F or 16G(1) as the day as soon as practicable after which the division is to be carried out

**No 15**

Clause 4, page 8, line 23 - To insert after “regions” -  
so that those regions generally reflect the recognized communities of interest and land use patterns in the State and

**No 16**

Clause 4, page 9, after line 15 - To insert -

(2) In subsection (1) -

“metropolitan area of Perth” means the part of the State that comprises -

- (a) the region that was, as at the day specified in section 16E, 16F or 16G(1) as the day as soon as practicable after which the division is to be carried out, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and
- (b) Rottnest Island.

**No 17**

Clause 4, page 9, after line 21 - To insert -

(b) land use patterns;

**No 18**

Clause 4, page 9, after line 27 - To insert -

but not so as to make a forward projection of elector numbers.

Mr McGINTY: I move -

That amendments Nos 1 to 3 made by the Council be agreed to.

This is not an amendment about which we are particularly happy or pleased. It was previously discussed and rejected by this House. The amendment will include in the legislation the requirement for consultation with the representatives of the Independents and the minor parties in the Parliament before a decision is made about the person who is to fulfil the vacant office of electoral distribution commissioner via the office of Government Statistician. However, it is not something on which we wish to go the wall. It is a view that has been expressed by the Legislative Council and, as it is not fundamental to the Bill, we are prepared indicate our consent to it.

Mr BARRON-SULLIVAN: I will not brush this off quite so lightly as there are questions that need to be resolved. When this matter was discussed in this Chamber a few weeks ago it was the clear view of the Liberal Party that the legislation as it stood was fundamentally flawed. To put it bluntly, it leaves open the opportunity for political cronyism. This side of the House has expressed total confidence in the electoral commissioners and the way in which they will undertake their duties. This is not in any way an implication on the commissioners but it is a concern about the way in which the Premier may appoint a commissioner. Under the legislation the way it stands, the Premier would make an appointment if the Government Statistician were not available to be a commissioner. It is a historical reality because of the nature of the position of the Government Statistician who,

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in effect, is the head of the Australian Bureau of Statistics in this State. It means that one of the three commissioners - who have a crucial role in determining electoral boundaries and associated matters of our electoral system - will be appointed at the whim of the Premier. We hope that any Premier would do the right thing, but it is left open to nepotism and blatant political abuse of the system. We all know that there is a great deal at stake during a redistribution process. Not only are there key questions about effective representation of individual electorates and the people living in them, but also there are political consequences of how boundaries are drawn. It is not beyond the realms of imagination to imagine a devious Premier slotting in one of his mates to do the job if the Government Statistician were hit by a bus or were unavailable. The Opposition said in the previous debate that this provision should be shored up so that that sort of thing could not happen - we needed a safeguard. One of the easiest ways of doing that is to amend subsection (5) that states -

Before making a recommendation under subsection (4) the Premier shall consult with the Parliamentary leader of each party in the Parliament.

We said that he should obtain the written consent of the Leader of the Opposition. We are happy for him to consult with all parties and Independents and to obtain the written approval of other major parties such as the National Party. That would be quite appropriate. If it is left up to a Premier, we may end up with blatant abuse of the system and political cronyism. This counterbalance provides a degree of accountability in which the opposition parties and the Independents are not just consulted - as the minister is saying and this amendment would provide - but also they would have to provide written consent. That would virtually guarantee that cronyism could not occur. I find it intriguing that the minister says he is not happy with the amendment when it only improves the degree of accountability of the process. The amendment does not go far enough. Members on this side of the House will undoubtedly support the amendment, but we do not want consultation; we want a cast-iron guarantee that no political cronyism or nepotism will creep into the electoral system and the fundamentally important process of the redistribution of electoral boundaries. If the minister is not happy with the amendment, why is it included?

Mr McGinty: Because the upper House required it. That is the simple answer.

Mr BARRON-SULLIVAN: The minister does not have to agree to it. He can simply say no and we will get back on the merry-go-round in this Parliament. I will comment on why I think a number of these things with which the minister says he is not happy are being brought into the legislation. I cannot understand why the minister or the Government would be reluctant to have even this degree of accountability. Frankly, I think this provision is quite wet compared to what we suggested.

Mr BIRNEY: Amendments Nos 1 to 3 made by the Legislative Council relate to section 16B of the original Act. The changes come under clause 4 of this Bill. It is a very important part of the Bill, as it seeks to outline who can hold the office of an electoral distribution commissioner. It is important that we do not dismiss this too lightly because an electoral distribution commissioner holds a very important office. The commissioners will be charged with the responsibility of redistributing boundaries should an election be forthcoming. The Opposition is concerned that the office of an electoral redistribution commissioner could be politicised. I am referring more specifically to the Government Statistician, who will hold a statutory right to fill one of the three electoral redistribution commissioner positions. It could be the case that a Premier could appoint to a vacant position a person who may have political persuasions one way or another. Even though I agree with these amendments, I am not sure that the Attorney General should be too concerned, because the amendments require the Premier to first seek the views of the Leader of the Opposition, other political parties and Independents before appointing a Government Statistician. It is not binding on a Premier to take those views into consideration. That is another concern of the Opposition. I understand that it would be very difficult if all parties and Independents could not agree on a particular appointee. It is unclear where we would go from there. If my memory serves me correctly the Attorney General raised the issue when the House first dealt with this Bill. I understand his point of view. I am concerned that there is nothing binding on a Premier when considering the views of other parties and Independents. I understand and accept that the Premier of the day has the right to make the final decision. However, I would like to see something in the legislation that would require a Premier to explain his or her decision, should the decision be contrary to what the other political parties and Independents want. It would provide a clear, transparent and accountable method of appointing the Government Statistician. Amendment No 3 refers to a Premier seeking the written views of the parliamentary leader or representative of each party and Independents in the Parliament. How would the Attorney General categorise a representative? Could it be the Deputy Leader of the Opposition? Could it be the Leader of the Opposition in the Legislative Council? Could it be the shadow Minister for Electoral Affairs? Would it simply be an appointee of the Leader of the Opposition? If that were the case, there is no provision for the Leader of the Opposition to nominate who would be a suitable representative. I seek the Attorney General's advice on that matter.

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Mr MASTERS: The member for Mitchell said that a Government could appoint one of its cronies as the Government Statistician. That person would become an electoral commissioner. The member for Kalgoorlie said that that would give the opportunity for a Government to be somewhat politicised. It has happened before. It happened in the 1980s and it was not somewhat politicised, it was totally politicised. I refer to the time when Mr Charlie Welker - who is well known to many Labor Party people and who was at one stage a good friend of mine - was appointed as the deputy electoral commissioner. I do not know whether he was bragging but, subsequent to that, he made the comment that he was very pleased to be the deputy electoral commissioner so he could help his mate Brian Burke structure the electoral boundaries so that the ALP gained maximum advantage at the forthcoming election.

It has happened, and under the arrangements enshrined in this Bill, it will happen again, if there is no provision forcing the Government to require the written consent of the leader - or representative of the leader, should amendment No 1 go through - of the non-government parties. I have made this statement in the House before, and I cannot say a great deal more without implicating other innocent people in this incident in the 1980s, when Charlie Welker went out and quite blatantly rorted the system for the benefit of the previous Labor Government. He then went on and became a senior person in what was then the Department of Planning and Urban Development. He bragged - or if it was not bragging, he said - in certain situations to which I am privy, that he was pleased to be able to use the planning powers available to the Government of the day to make sure that urban developments likely to attract Labor Party voters into an area would be allocated to marginal seats, for maximum return to the Labor Party, and urban developments that would introduce Liberal Party voters to an area would be put into safe Liberal or Labor seats, to minimise any risk to the Government. It has happened, and under this legislation it will happen again, and the Opposition needs to keep these so-and-sos honest.

Mr KOBELKE: I find the remarks made by the previous speaker very hard to believe, but as the member is referring to a personal discussion he had with a particular person, I am in no position to refute it. I wish to place two points before the House. Firstly, members should be careful when they impugn the reputation of members of the public or public servants. That is something they think they must do from time to time, but it should not be done lightly. The member for Vasse has done that in a way which I do not consider appropriate. Secondly, I suspect that what the member for Vasse said is getting away from what is relevant to the matter before the House. It impinges upon it, but the matters before the House, in the amendments Nos 1 to 3, relate to -

Mr Omodei: It is very relevant to the matters before the House.

Mr KOBELKE: I am not taking a point of order, but members should consider the points I am putting to the House.

The amendments add the word "representative", as well as "leader"; add "independent members" in addition to "parties"; and indicate that written views are to be sought from those people. The amendments relate to accountability in the appointment of a particular officer. When a member wanders off to talk about changes in other ways to the principal Act, which were not addressed when that Act was amended by the previous Government over its eight years, I would suggest that the House is getting well away from the matter currently before the House, which is the amendments Nos 1 to 3, to be taken together, relating to specific matters of consultation. Quite rightly, some members have asked why that consultation is important, particularly the member for Kalgoorlie, who in my view did that most effectively. He canvassed the wider views on why these things are important. However, to lurch off into discussion on those major issues, which are not being amended, is going too far. I signal that as my view, and if the debate goes well beyond the matter before the House, I will need to draw that to the attention of the Speaker through the proper means.

Mr BARRON-SULLIVAN: The Leader of the House and I had a discussion this morning, and the Opposition is trying to be reasonable about the progress of legislation. We have demonstrated that by saying we are happy to deal with the amendments Nos 1 to 3 en bloc. If members start getting tetchy little arguments about the relevance of members' comments on any of these clauses, the Opposition will start going through the amendments clause by clause. The member for Vasse raised a very pertinent point that demonstrates the inadequacy of the amendments with which the House is dealing. The Opposition understands that we are not here to deal with the whole of the Act. We are dealing with amendments that have been sent from the upper House. The member for Vasse was simply relaying an incident that demonstrated the sort of situation that could arise in the course of discharging responsibilities for electoral distribution. This amendment is good because it includes the leaders of different parties, including the Leader of the National Party and independent members. Therefore, the members for Pilbara and South Perth would also need to be consulted, in accordance with the current legislation, when the Government Statistician is not available to take up his or her responsibilities as an

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electoral commissioner. Really, however, the amendment is as weak as water. The amendment to page 3, line 23 of clause 4 simply reads -

and shall seek the written views of the Parliamentary Leader or representative of each party and Independent member in the Parliament

Seeking written views is not the same as seeking written consent, and this is the point the Opposition made previously in this Chamber. All the consultation under the sun can take place, and people on this side of the Chamber can disagree with the appointment, but the way in which the Government's legislation and this amendment are structured, leaves the process wide open to blatant political nepotism.

The legislation as a whole reinforces the concerns of the Opposition. The so-called one vote, one value legislation that the Government has brought before this Parliament has very little to do with one vote, one value at all. It is a blatantly political tool for giving the Labor Party considerable advantage at the expense of the conservative members and parties in this Chamber, particularly the poor old National Party, which, under one vote, one value, would be all but decimated. Both the National Party and the Liberal Party would suffer, but, more importantly, people in country areas would suffer. This has nothing to do with good representation and one vote, one value. It is purely about blatant political gain. We see the evil political tentacles of the Labor Party sneaking into every crevice of this legislation. It is understandable that members on this side are more than sceptical when the minister says he is not even happy with allowing a moderate amount of accountability in the appointment of one of the electoral commissioners.

Mr Kobelke: The comments the Deputy Leader of the Opposition just made are political, but they are hardly relevant to the question before the House. The Opposition was in government for eight years, and amended this Act, but did not see then the problems to which the Deputy Leader of the Opposition now refers. Those problems are not the amendments now before the House. The Deputy Leader of the Opposition sees them as relevant, and I will accept that, but if he wants to tack on what he sees as major deficiencies in the Act, he must recognise that it is the Opposition's Act as much as anyone else's. The Opposition was in government for eight years, and amended the Act in certain respects, but never addressed the issue that it now says is a big problem.

Mr BARRON-SULLIVAN: Mwaark, mwaark, mwaark! It has a crack in it! That record will not wear now. We are one year into the term of the present Government, and I am sorry but the whole argument of "You had eight years" does not wash out there. In two or three years, quite legitimately, the Government will be able to say that the Opposition is the alternative Government, and ask its policies on various issue. At the moment, we are Her Majesty's Opposition, and that is the role we are fulfilling with this legislation. The Government has said it is not even happy with a tiny little incey-wincey bit of accountability, let alone real accountability, to make this Chamber operate properly, so that when it deals with key questions about the electoral system in this State, members will know it is done impartially, fairly and completely above board.

Mr AINSWORTH: Unless something more is added to the amendments requiring not only consultation but also some notice to be taken of the views of the other parties and Independents who were consulted, it amounts to little more than window-dressing. I acknowledge that it is probably a courtesy for those consultations to take place. That probably should happen without the requirement being included in the Bill. However, there are various leaders or representatives of parties and all the Independents, who do not have a representative; therefore, although it is common courtesy, it does little more than fulfil that role. It does little to ensure that the views on, and opposition to, a particular appointee that might be expressed by those people are taken into account.

The interesting question that then arises is what weight is put on the views of the Independents as opposed to the official Opposition and any other parties that might be consulted. It has very little value at all, other than to satisfy what would generally be classified as good manners and courtesy. It has no value in ensuring that there is consensus from the various parties on the appointee who will replace someone who is temporarily unavailable and ensuring that that person is not a political appointee but is generally accepted.

Mr BIRNEY: I take issue with the comments made by the Leader of the House. I always find him to be a fairly pragmatic sort of bloke and, on very rare occasions, even reasonable.

Mr Kobelke: Do you want me to withdraw my commendation of you?

Mr BIRNEY: In this instance, his comments were entirely unreasonable. The comments made by the member for Vasse were somewhat enlightening, as are most of the comments made by the member for Vasse in this House. His memory is better than anyone's in this House and quite often members benefit from his memory. The member for Vasse was relaying a very practical example of how a government office could be politicised. The three amendments before us deal very specifically with the very issue of politicising the office of the

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Government Statistician. The comments of the member for Vasse were entirely in order. They were enlightening and, more importantly, relevant to this Bill. This amendment has been introduced for that exact reason: we do not want to politicise that government office. In fact, it goes further; it states that the views of the Leader of the Opposition and other political parties in this place should be taken into consideration when making the appointment to the office of Government Statistician. The inference is that those views should be taken into consideration to avoid that office being politicised. I thank the member for Vasse for his contribution and I feel somewhat enlightened by it.

Mr OMODEI: I have listened with interest to comments made about these amendments. However, the requirement in the amendments is to consult and to expand the requirements under clause 4 to include those other parties. Nothing in the amendment refers to agreement. We can write and exchange correspondence for as long as we want. However, I would have thought that to protect this place or the minister from being accused of being partisan or political or of currying political favour for the Government he represents, no matter what Government, the clause must include a provision that the parties be in agreement. Otherwise, the Premier or the minister can correspond with all the opposition parties and the Independents for as long as they want. Unless there is an agreement provision in the clause, the Government will dictate to those representatives anyway. The clause is not very effective at all. I would like the minister to respond to the comments made by the member for Kalgoorlie and other members. We on this side could keep talking all day, so we need some comment by the minister.

Mr EDWARDS: I support the comments made by my colleagues on this side of the House, in particular the comments made by the member for Vasse. We are here to be seen to be fair and equitable -

Mr Masters: And honest.

Mr EDWARDS: - and honest in delivering the changes to any of these Bills that we go through. The Deputy Leader of the Opposition made the point that we are Her Majesty's Opposition; we are here to make sure that is carried out. Although I respect the views of the Leader of the House, he should also respect our views in how we are tackling this issue. It is extremely important that this is not politicised. As clause 4 currently reads, it is left open somewhat to politicisation. There must be seen to be a fair and equitable method of appointing the representative, whomever he may be, to the position of Government Statistician. I support the views that have been put forward. I am also interested in hearing what the minister has to say on this issue.

Mr MCGINTY: In reply to the member for Kalgoorlie, the current provision is that the Premier shall consult with the parliamentary leader of each party in the Parliament. As I understand it, and I am loath to comment on the internal operations of other political organisations, the Greens (WA) do not operate on a style of party structure that we would comprehend. Nonetheless, they operate on the basis of some sort of collective leadership. We might refer to it as anarchy, but nonetheless they do not have a parliamentary leader.

Mr Birney: Be careful or they will not pass your Bill.

Mr Masters: The term is "chaos".

Mr MCGINTY: Whatever it is, it is not the way we do business on this side of the House; nor do those on the other side of the House. It was necessary to have consultation.

Mr Omodei interjected.

Mr MCGINTY: The Liberals; there is no doubt about that. If the member wants to talk about harlots, to me political harlots are people who are devoid of principle and who cannot deal with matters before them. There is no doubt that the members of the Liberal Party are the political harlots in Western Australia!

Mr Masters: I invite you to see my bank account; I have not sold out for anything.

Mr MCGINTY: The trouble is that if we bury our heads in the sand and pretend the world is not going on around us, we will get into all sorts of trouble; that is where the Opposition has ended up. The reason for the insertion of the words "or representative" is to accommodate the Greens. That then left open the question of the Independent members, and there are four of them in this Chamber. The appointment of a government office holder need not involve the Independent members of Parliament. There might be some justification for involving the Leader of the Opposition. However, this is a requirement that the upper House has inserted. As I have indicated to members, it is not one that we will resist, but it is not one of our making.

Mr BIRNEY: It is not my intention to prolong debate on these amendments. I am not sure whether the minister answered my question. Who would he term a representative of a parliamentary leader? The clause seems to be fairly loose in that regard.

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Mr McGinty: It is a parliamentary leader or a representative of each party. It would be discussed with the leader. If there were no leader, as in the case of the Greens, it would be discussed with a representative of the Greens. That is my understanding of how this will work.

Mr Barnett: Traditionally, it has been the Premier of the day and the Leader of the Opposition, and it has been left at that.

Mr McGinty: Yes; that is right. I would have been happy with that, but the upper House has a different view.

Mr BIRNEY: The wording is a bit loose. I am not sure how we would determine who is a representative of our party, if for some reason the Leader of the Opposition was unavailable - he might be overseas or whatever the case may be. During my previous comments I asked whether it might be a good idea for the Premier to provide a written explanation to the House on his choice of Government Statistician, should his views on the appointment differ from those of the Leader of the Opposition and the other parliamentary party leaders. If the Leader of the Opposition, the Leader of the National Party and the Independent members thought an appointment was not a good one, and the Premier appointed that person regardless, surely it would create a fairly transparent process if the Premier were to table his reasons for his choice of appointment.

Mr McGINTY: That is probably a reasonable proposition. Whether we need to burden the Electoral Act with those provisions is another matter. Someone gave an example of a Premier coming into the House, I think, in 1982 and saying, "I have consulted". He made a mockery of the process. That is not consultation in any sense.

The answer to the question lies in the fact that the Leader of the Opposition, each of the Independent members, the Leader of the National Party and a representative of the Greens (WA) would know the nature of the consultation and whether their views were over-ridden. I imagine that the first thing they would do, particularly in the lead up to a redistribution, would be to raise the matter publicly. It is not as though these matters can proceed without public awareness. Consultation on this matter should not be confidential or something that should not be spoken about, particularly if the views expressed by the Leader of the National Party, the Leader of the Opposition and the Independents are at odds with the Premier's views. Political recourse would occur by those people pointing out the nature of the action. It would be reasonable for the Premier to say that the leaders of the parties had consulted, but that they differed; nonetheless, the appointment would be made for the following reasons. Accountability would probably require that.

Mr BIRNEY: As you think it is not a bad idea, would you be prepared to move an amendment?

Mr McGINTY: No, I would not. It is not necessary to clutter up the Act with those provisions because a political remedy is available and that point can be made publicly. I agree with the Leader of the Opposition: consultation on these appointments usually occurs between the Premier and the Leader of the Opposition. However, the upper House has taken a broader view and wants to include Uncle Tom Cobbley and all. That is why I am not enthusiastic about this amendment.

Mr BARNETT: I am not being precious about this in my present position; the stakes are not huge. However, we must be careful. Our system of government provides formal systems within this Parliament. A number of statutes provide certain powers and responsibilities to the leader of the government party and the leader of the opposition party. For example, the Leader of the Government is entitled to make appointments to the Senate of a university and the Leader of the Opposition has a similar entitlement. It is not about who occupies positions, but when we branch out and give leaders of smaller parties similar rights, it could weaken the system of government. I do not mind that other parties can be consulted - I am not being precious. However, we must be clear about the distinction between the Leader of the Government and the Leader of the Opposition. Perhaps the words should be "and may advise or consult other parties and Independents". If we start to weaken the parliamentary positions of either the Leader of the Government or the Leader of the Opposition, we are heading for trouble. We will lose the ability to make decisions.

Without being too dramatic, on a security or crisis issue, to make things happen in a practical sense, the Premier and the Leader of the Opposition may consult and agree, and therefore reach bipartisan support. If that is widened too far, agreement may not be reached. During eight years in government a few circumstances arose in which the Premier consulted with the Leader of the Opposition and they agreed that a course of action should be taken and politics were not involved. We must be careful. If we want to widen that process, I prefer that any structure of law recognise the Leader of the Government, the Premier, the Leader of the Opposition and, in a lesser way, involve an ability to consult or seek opinions from other members of Parliament or other parties. That would be a better way of proceeding.

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Mr McGINTY: I agree completely with that. That would be the desirable way to go. That is why I am not particularly keen on the amendments moved by the upper House.

Mr Barnett: Why not change that aspect? It can be done with the support of the Labor and Liberal Parties.

Mr McGINTY: We are talking about the appointment of the Government Statistician.

Mr Barnett: The amendment is not sensible in principle because of the future ramifications.

Mr McGINTY: When I was Leader of the Opposition, the Premier informed me of situations. Things never went any further, but that was an agreement because of the nature of the issue. The Leader of the Opposition is dead right; once that is extended to include a raft of others the effectiveness of decisions can be undermined, particularly when those decisions are very important. This decision is not in that category.

Mr Barnett: It will set a precedent. The Gracetown tragedy is an example of a crisis. These things must be handled properly. You will create a precedent, even though I do not think anyone is concerned about the appointment of a statistician.

Mr McGINTY: I have no doubt that whenever these situations arise, Independent members and the Greens will seek to use this provision as a precedent. I will reluctantly agree to this amendment on the basis that it is not one of those issues that is very important. I hope every member here remembers this debate should this issue arise in future.

Mr Birney: The Leader of the Opposition made a very good suggestion that we should amend it with bipartisan support among Liberal and Labor members in the upper House to ensure that the Premier must consult only with the leader of any major political party in Parliament.

Mr Barnett: I suggest wording to the effect that the Premier must consult with the Leader of the Opposition and "may consult additionally with other parties and Independents".

Mr McGINTY: I would be happy with that formulation. On the last day of the parliamentary sitting this year, I am not interested in amendments that might impede the Bill's progress unless they are fundamentally important to its operation.

Mr Birney: It is a point of principle.

Mr McGINTY: Not in this case, but we should bear that in mind in future.

Mr BARRON-SULLIVAN: I take on board everything the minister just said. Assuming these amendments become law, if the Government Statistician were not available and the Premier decided that Joe Bloggs should be the person for the job, would the Premier still consult with the parliamentary leader or representative of each party and Independent members in the Parliament after he had decided who should fill the position? If so, would he also advise the Leader of the Opposition and the others of his choice at that time or would he simply seek views on who they thought should fill the position? In other words would he say to those other members that he wanted Joe Bloggs in the job and he would like their written views on the matter or would he tell them that the position was vacant and he would like their views? What would happen if the Leader of the National Party, the Leader of the Opposition and all the Independents said that they did not like the Premier's choice of Joe Bloggs because he had been State Secretary of the Australian Labor Party for 20 years?

Mr McGINTY: The answer to the second question put by the Deputy Leader of the Opposition is that the person would be appointed. The answer to the first question is that the Governor will act on the recommendation of the Premier to fill the office. Prior to making a recommendation to the Governor, the Premier is required to consult. The Deputy Leader of the Opposition gave two situations - when a particular candidate might be in mind and when one might not. Either case is envisaged in the legislation.

**Question put and passed; the Council's amendments agreed to.**

Mr McGINTY: I move -

That amendments Nos 4 to 7 made by the Council be disagreed to.

If successful, I intend to move that the following new amendments be substituted -

**Clause 3**

Page 2, line 4 - To delete "this Act" and insert the following -  
section 4

**Clause 4**



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Page 4, lines 10 to 17 - to delete the lines and insert the following -

- (2) Each region will return 6 members to serve in the Council.

**New clause**

Page 10, after clause 4 - To insert the following new clause -

**5. Constitution Acts Amendment Act 1899 section 5 amended**

Section 5 of the *Constitution Acts Amendment Act 1899*\* is amended by deleting “34” and inserting instead

“36”.

[\*Reprinted 8 June 2001.

*For subsequent amendments see Act No. 12 of 2001.]*

**Long title**

Page 1, line 5 - To insert after “1907” the following-

**and the Constitution Acts Amendment Act 1899**

Mr Graham: I apologise, but I must ask a question at this late stage.

Mr McGINTY: I will sit down and let the member for Pilbara do just that.

Mr GRAHAM: I thank the Minister for Electoral Affairs. His generosity overwhelms me.

Mr McGinty: It doesn't surprise me either.

Mr GRAHAM: Yes. I apologise, but will the Minister for Electoral Affairs explain what happened before I got back into the Chamber? Where is the House at with these amendments?

Mr McGINTY: The Legislative Council has returned the Bill with 18 amendments, which fit into three groups. The first group, which we have agreed to, was contained in amendments Nos 1 to 3, which dealt with the same subject matter; that is, consultation in relation to the appointment of a person to the office of Government Statistician if that office is vacant. The amendments essentially required consultation with a representative of the Greens (WA), rather than a party leader, and with each Independent member prior to a decision being made to recommend a person to the Governor to fill that vacancy.

Amendments Nos 4 to 7 are at the heart of this matter. They link together to deal with the number of Legislative Council members who will be allocated to each region. The amendments moved in the upper House require that the number of members in the South West and North Metropolitan Regions be reduced from seven to six; that the number of members in the Agricultural and Mining and Pastoral Regions be increased from five to six; and that the South Metropolitan and East Metropolitan regions continue to have six members. Every member in this room will realise that they were pro forma amendments, which were not supported by anyone. They were moved in order for an amendment to be moved in this House to allocate an additional two members in the Legislative Council, because the upper House cannot move to increase the number of its members. The upper House has said that, as a condition of the passage of this Bill, it requires that there be two additional members in the Legislative Council. The amendments I have moved, in disagreeing to amendments Nos 4 to 7 from the Legislative Council, which as I have indicated are pro forma amendments that deal with the number of members per region, will provide for six regions which will each return six members. That has the effect of increasing the number of members of the Legislative Council from 34 to 36. The four amendments relate to that issue, which is why I moved for them to be dealt with together. The House has agreed to that, because one issue is at stake.

The Labor Party would not have moved this amendment if it had its way. This amendment is required by the Legislative Council, and more particularly by its five Greens members, as a condition of the passage of electoral reform legislation in Western Australia. As they have persisted in that demand, the Government must either abandon electoral reform - the question of one vote, one value for the Legislative Assembly - or agree to the demand for two extra members in the Legislative Council as the price that must be paid. I think all members understand that is the issue at stake here.

Mr Barnett: The issue is not whether you are a prostitute, but just the price being paid.

Mr McGINTY: Essentially.

Mr Graham: The question before us now is that the amendments from the Legislative Council be disagreed to.

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Mr McGINTY: That is right.

Mr Graham: That is the first motion.

Mr McGINTY: And, secondly, that the words be inserted.

The ACTING SPEAKER (Ms Hodson-Thomas): The way I understand it is that we will deal with the motion for amendments Nos 4 to 7 to be disagreed to. We will then deal with the Minister for Electoral Affairs' amendment clause by clause - clause 3, clause 4, the new clause and the long title. Does that explain the situation?

Mr GRAHAM: I need to be crystal clear. I will explain the intent of my question. If the Government is moving that the Legislative Council amendments be disagreed to, I will vote strongly in favour of that. If, however, the two are tied together and in voting to disagree with those amendments I am required to also vote to insert the new clause -

The ACTING SPEAKER: No.

Mr GRAHAM: They will be dealt with separately?

The ACTING SPEAKER: Yes, they will be dealt with separately. We will first deal with the motion to disagree to the amendments proposed by the Legislative Council and will then deal with each clause in the Minister for Electoral Affairs' amendment. They will be separated.

Mr BIRNEY: That was not my impression of the situation. The Minister for Electoral Affairs moved to disallow the amendments from the Council and in the same breath said that he wanted to move his amendment. We seek clarification on that point.

Mr McGINTY: The course you have outlined, Madam Acting Speaker, is eminently sensible. Whatever I have moved should be adjusted to give effect to the procedure outlined by the Acting Speaker. That is the sensible way to go. The first motion is that the amendments from the upper House be disagreed to. I think that will be passed unanimously in this House. We will then consider each part of my amendment separately, which will replace the Council's amendments and which cover the same subject matter.

Mr Birney: That wasn't what you moved.

Mr McGINTY: No, it was not. I always accept the guidance of the Chair. In this case, it was very wise guidance.

The ACTING SPEAKER: The Minister for Electoral Affairs encompassed all the amendments when he moved that the Legislative Council's amendments be disagreed to. However, we will first deal with the question of whether amendments Nos 4 to 7 be disagreed to. We will then deal with each clause in the Minister for Electoral Affairs' amendment separately before moving to any further amendments.

Mr BARRON-SULLIVAN: I thought that the Minister for Electoral Affairs might provide a little more elaboration on this issue, because it is quite detailed. The Opposition will raise a number of matters about these amendments and the Government's intentions. The Opposition will also question the Government's method of achieving its aims and the devious means by which we have arrived at this position today. Before we go into the detail of those issues, I want to determine a couple of important procedural points to see whether we are wasting our time in this place today. I say that because the Minister for Electoral Affairs' proposal is to increase the size and structure of the upper House of this Parliament.

I raise a couple of questions and ultimately seek a ruling about whether it is appropriate for us to deal with these amendments in this way. Do these amendments fall within the scope and purpose of the original Bill? Are we able to deal with these separate amendments unless the Legislative Assembly receives a separate message from the Governor about the appropriation that is required for the employment of additional members of Parliament?

I will talk briefly about the scope and purpose of the Bill. I refer members to the original debate in this Chamber. On 1 August, during the second reading, the Minister for Electoral Affairs said -

... I now turn to the Bill before the House.

That is, the Electoral Amendment Bill 2001 -

The Electoral Amendment Bill 2001 will provide for all Western Australians a new electoral boundary system for the Legislative Assembly.

He did not refer to changing the structure of the Legislative Council. On the following page the Minister for Electoral Affairs said -

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It is expected that the effect of this legislation -

The Minister for Electoral Affairs did not say “an effect”, he said “the effect”. He continues -

- will be to create four electorates in the Mining and Pastoral Region, which currently has six; four electorates in the Agricultural Region, which currently has seven; seven electorates in the South West Region, which currently has 10; and 42 electorates in the metropolitan area, which currently has 34. The legislation proposes that the status quo be broadly preserved in the Legislative Council.

Clearly the Minister for Electoral Affairs said in his second reading speech - and this has also been the implication of media reports - that the Government was dealing principally with the Legislative Assembly and changes to the structure of the Legislative Assembly’s boundaries. He also said that the status quo of the upper House would be broadly preserved. I do not know how the Minister for Electoral Affairs could even remotely consider that he is broadly preserving the status quo of the upper House. These amendments propose to alter completely the structure of the upper House. They propose to implement a system of six regions, each with six members. That would drastically alter the degree of representation of the South West Region and the North Metropolitan Region by reducing the numbers of Legislative Council members who represent each of those areas and by increasing the representation in other areas. The Minister for Electoral Affairs intends to change the status quo of the upper House dramatically. Increasing the number of Legislative Councillors by two would not require the same entrenchment arrangement as is provided in constitutional legislation to reduce the number of members of Parliament by two. To reduce the number of Legislative Councillors would require a referendum. This amendment would change significantly the structure of the upper House. If we were to reduce the number of members in the Legislative Council and kept the same number of members in Parliament, that would require a referendum of all the people in this State; that is how significant a proposal it is. However, suddenly the Government can increase the number of parliamentarians by two and we are supposed to believe -

Mrs EDWARDES: The Deputy Leader of the Opposition still has to complete his argument.

Mr BARRON-SULLIVAN: I thank the member for Kingsley. To reduce the number of parliamentarians by two is so significant that we would have to hold a referendum and the constitutional Acts would kick in. Specific provisions in those Acts inform us that it is a major change. Yet to increase the number of parliamentarians by two, as the Minister for Electoral Affairs wants to do, would not require a referendum. The Government can tuck the changes into legislation that had nothing to do with altering the structure of the upper House and which, by the Minister for Electoral Affairs’ own admission, principally concentrated on making changes in the lower House. I will leave it to other members, particularly the member for Kingsley, to provide a more detailed legal account of the Opposition’s argument. The title of the Electoral Amendment Bill states that the Act may be cited as the Electoral Amendment Act 2001 and the following clauses deal with the electoral legislation of this State. However, we are now being told that we could make an amendment to the Constitution Acts Amendment Act. As a layman, I cannot understand why the lower House has dealt with legislation that concerns one piece of legislation, which the upper House dealt with and was passed with great protest from the opposition parties, yet after that Bill returned from the upper House, lo and behold, it concerns a completely different piece of legislation. The significance of that cannot be underestimated. The Minister for Electoral Affairs now wishes to amend section 46 of the Constitution Acts Amendment Act even though those amendments were not raised during debates when the matter was previously before this Chamber. Without making these changes, the Government is unable to increase the number of upper House members and is unable to consummate its shady, sneaky deal with the Greens (WA) to -

Mr Graham: It is an arrangement, not a deal.

Mr BARRON-SULLIVAN: The member for Pilbara is right, it is an arrangement.

Mr McGinty: The Greens (WA) do not do deals.

Mr BARRON-SULLIVAN: It appears that the Labor Party does not either, but we will deal with that later. Section 46 spells things out precisely -

- (2) The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue or moneys for the ordinary annual services of the Government.
- ...
- (4) The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Legislative Council may not amend, requesting by message the omission or amendment of any item or provision therein: provided that any such request does not increase any proposed charge or burden on the people.

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Importantly, subsection 46(8) states -

A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

That is why two questions must be resolved and, after some discussion on the matter, the Opposition will ask the Speaker to formally resolve them. Firstly, do these amendments by the Minister for Electoral Affairs fall within the scope and purpose of the original Bill? We contend that they do not. Secondly, should we wait until there has been a separate message from the Governor about the appropriations that are required for these two extra members of Parliament? Later, we will debate what the Government is trying to achieve. A number of Standing Orders relate to ensuring that the subject matter before the House is relevant to the Bill. The speeches made by the Minister for Electoral Affairs or any other member of the Government during previous debates in this Chamber do not indicate in any way altering the structure of the upper House, particularly increasing the number of members of Parliament in the upper House. The proposed amendments are outside the scope and purpose of the Bill and they should be ruled out of order. It is not appropriate to continue this debate.

Mr McGINTY: I will raise several matters at this stage of the debate because members opposite might be getting ahead of themselves. The motion currently before the House is that the four amendments moved in the Legislative Council be disagreed with. I suggest that members focus this debate on something of which there is a universal view in this Chamber; that is, we disagree with those amendments. At this stage we are not debating what might be put in their place. A number of contributions were made by the member for Mitchell in relation to the amendments on the Notice Paper, which will flow as a consequence of the disagreement motion being carried. The debate ought to be more narrowly focused on the matter before the Chair, rather than something that might happen if a particular motion is carried.

The need for a message has been raised. I will touch on this now because it will condition thinking as we proceed with the debate. The Government sought advice on whether an additional message is required. When this Bill was introduced, it was accompanied by a message from the Governor with the advice that a further message was not required to incorporate the amendments proposed. The initial message covered the issues raised in the Bill and an amendment dealing with the same subject matter. We were advised that a separate message was not necessary and, therefore, there is none. We are relying on the message that accompanied the initial Bill. The scope and purpose of the Bill, which the Deputy Leader of the Opposition raised, is to prescribe an electoral system for each House of the Parliament and the number of members to represent each region in the Legislative Council. It also provides the basis upon which electorate boundaries are to be drawn with regard for the Legislative Assembly. An amendment within that scope and purpose is quite acceptable. However, the arguments about the message and the scope and purpose of the Bill can be dealt with on the next motion, and not the motion currently before the House, which is to disagree with the amendments made by the Legislative Council.

The SPEAKER: The form of the motion before the House gives members the scope and opportunity to raise the validity of subsequent amendments that may flow from that. We are dealing with the first part of the amendment as a matter of course. However, the comments by the Deputy Leader of the Opposition are timely and they can be made now or during consideration of the second part of the amendment.

Mr GRAHAM: Having heard those wise words, I will change my comments somewhat, because my understanding from Madam Acting Speaker (Ms Hodson-Thomas), when she was presiding in the Chair, is that the only motion before the House at the moment is to disagree to four amendments from the Legislative Council.

The SPEAKER: That is the question before the House.

Mr GRAHAM: I am happy to advise the Minister for Electoral Affairs that we are as one. We totally agree that the amendments put forward by the Legislative Council should be rejected. I am happy to support the minister in that endeavour on this particular clause and would love to support him on the next amendment but, unfortunately, I do not think we shall be as one on that amendment. I will go into more detail later, but I share the concerns the Deputy Leader of the Opposition has raised - although I have not spoken to him - about the scope of the amendments and the original Bill. I have been crystal clear in my views and arrived at those views after listening and reading, at length, the second reading speech by the Minister for Electoral Affairs.

On page 1885 of *Hansard*, when he spoke about proposed section 16K, he made it crystal clear that the metropolitan regions would not be amended, neither the North Metropolitan nor the South Metropolitan Region. He clearly said in his second reading speech that -

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Proposed section 16K retains the current arrangement for the division of the State into six electoral regions, with the exception . . .

The exceptions are the boundaries in the areas I mentioned previously. He quite clearly said that there would be no change to the regions. The following paragraph stated -

It is expected that the effect of this legislation will be to create four electorates

They are the electorates I referred to. He then referred to the South West Region and said -

The legislation proposes that the status quo be broadly preserved in the Legislative Council.

In his second reading speech he included a rhetorical flourish about how electoral equality has been a fundamental tenet of the Australian Labor Party philosophy. He pointed out, then and there, that the Bill would be about electoral reform and resourcing members of the Parliament, particularly those representing large, remote electorates. He spoke about 16 and 17-year-olds being given voting rights, and stated in his speech that -

This legislation will give us a Legislative Assembly which, for the first time in its 111-year history, will be chosen by the people in accordance with democratic principle.

In that same paragraph he gave the reason for the Labor Party not being able to achieve electoral equality in its 100-year history and said -

because of the upper House, which is elected by the very electoral system that offends the principle of electoral equality.

Whether one agrees or disagrees with the Minister for Electoral Affairs is another point. However, as a fair-minded person, I argue that no-one could read those amendments and come away with the view - it was the minister's electoral reform Bill - that the aim of this legislation and the scope of it is to reform the Legislative Assembly; not the Legislative Council. That is the question that this House must decide upon.

Mr Pental: Are you saying that that is the impression you could be left with?

Mr GRAHAM: One could not be left with any other impression. If I did not make that clear, I will say it again and put it as clearly as I can. No reasonable person reading the Minister for Electoral Affairs' second reading speech could come away with a view other than that he wanted to reform this place, and not that place.

[Leave granted for the member's time to be extended.]

Mr GRAHAM: It is not open to the minister to now say that his arm has been bent by the Greens (WA), although I know it has been. However, that is not an argument he put before us in his second reading speech; he said that his arm had been bent by the Greens to refer the legislation to a committee. The undertaking given to this House by the minister was that the Greens made that demand. I have some views about the Greens' demands, but I will deal with those later. The minister said in this second reading speech -

At the suggestion of the Greens (WA) members of the Legislative Council, it is proposed that public input be sought on ways to achieve more effective representation.

He did not say that the Greens had bent his arm, and in order to get what he thought was a fair electoral system in the Legislative Assembly, he would have to gerrymander the Legislative Council. If the Minister for Electoral Affairs had put the situation in that light, and the Greens had had the guts to say publicly that they wanted to do that, I doubt if even his own members would have supported the Bill in Caucus. I said months ago that we would be in this position before Christmas because it was as plain as the nose on one's face. The only difference is that the minister and the Greens did not make it known that they had arrived at an understanding until further down the track. That is the kind of activity that put people in jail in New South Wales and brought down Premiers.

This is not about electoral reform; this is about a gerrymander and a secret deal. I am sure that in the later stages of these proceedings, you, Mr Speaker, will be asked to make rulings. I encourage you to consider those rulings, because other than a personal view put by the Minister for Electoral Affairs, there is no evidence that the matters before us fall within the original scope of the Bill. It is not the obligation of those who have a view different from that of the Minister for Electoral Affairs to demonstrate that this matter falls outside the scope of the Bill. In his second reading speech the Minister for Electoral Affairs made clear the scope and aim of the Bill. To his eternal credit - I think he might be regretting it now - he made it crystal clear. If he wants to propose amendments, he has a duty and obligation to produce some evidence that those amendments are within the ambit of the original Bill. To date, the only explanation from the Minister for Electoral Affairs is that the Greens (WA) twisted his arm. That is not good enough. The Minister for Electoral Affairs will find people in jail twisting his

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arm, because they are all innocent. His other job as the principal law officer of this State is to resist having his arm twisted, and to act in the interests of Western Australia. I am not convinced that he has done that. I am not convinced that this legislation fits.

Having said that, on this motion, we are as one, and I am happy to vote with him.

Mrs EDWARDES: Mr Speaker, I also raise a couple of points for you to consider in relation to any rulings you might make. I intend to concentrate on whether this amendment is within the scope of the Bill, and if so, whether an appropriations message from the Governor is needed. I think the advice to which the Minister for Electoral Affairs has referred is doubtful, and has not taken into account parliamentary procedures in not only this place but also elsewhere.

One of the ways that has in the past been used to determine whether an amendment is within the scope of a Bill is to ask whether it would create a further charge on public expenditure. It is a very simple question: does this amendment create a further charge on the public expenditure than that which was previously anticipated and for which a message from the Governor was received in accordance with section 46 of the Constitution Act? This amendment quite clearly requires further expenditure. It proposes two new Legislative Council members. I pick up on the points the member for Pilbara raised. The proposal was clearly not anticipated. If it were anticipated, there would have been a reference to it in the second reading speech, and possibly in the title of the Bill. There was not. It was clearly not anticipated. We accept that unanticipated amendments will come forward. However, the very clear questions that have in the past been asked in determining whether a new clause is out of order is to establish whether it is beyond the scope of the Bill. Similar cases have in the past determined the criteria that should be used to determine whether the main object of the Bill is to create a charge on public expenditure. I have considered Erskine May's *Parliamentary Practice* and *House of Representatives Practice*. In the latter, Harris outlines the interpretation of "main object in relation to the Bill". There is no way that the Minister for Electoral Affairs' foreshadowed amendment could be regarded as the main object of the Bill, or even within the scope and purpose of the Bill as it was anticipated when first brought into this House. I put forward the proposition that the amendment is clearly outside the scope of the Bill. However, in the event that you, Mr Speaker, find that the amendment is within the scope of the Bill, I put forward a further two propositions: first, we are discussing a separate motion; therefore, an appropriations message from the Governor is required as the amendment would create further expenditure from the public purse of this State, which was clearly not anticipated when the Governor sent the original message. As such, the Governor is required to deliver another message to this House. I believe that there is no question whatsoever that two extra members of the Legislative Council will incur a cost. It will not be indirect; it will be a direct cost to the State.

Mr McGinty: It could be quantified as costing \$1 million.

Mrs EDWARDES: Absolutely. It cannot be stated that the amendment will not create a further charge on the public expenditure of this State. Mr Speaker might determine that the amendment will create a charge on the public expenditure of this State that was clearly not anticipated at the time the Governor gave his original message. As such, a further message would be required.

The SPEAKER: Before I give the call to the next member, I seek some clarification of the references to May and Harris.

Mrs Edwardes: The reference is pages 362, 363, 772, 773 and 401 to 408 of *House of Representatives Practice*.

Mr AINSWORTH: The member for Kingsley was in the process of outlining some important points. I think it is imperative that we hear more.

Mrs EDWARDES: I thank the member for Roe. My view is that a separate message from the Governor will be required. If that is the case, we must determine at what stage that separate message will be required. There are two possibilities, the first being that it must come into this House before the completion of the passage of the amendments before us. I contend that we must first ask whether the message must be received before we complete the votes on amendments Nos 4 to 7. I put that on the basis that this amendment is a separate motion. We are dealing with the amendments contained in Legislative Council message No 39 separately. I argue that amendments Nos 4 to 7, which includes the motion to insert a new clause, constitute a separate motion before the House. If a message were required - I contend it is - I would also contend that it is required before the completion of the vote on amendments Nos 4 to 7. Numerous rulings by Speakers have required that such messages must be received before the completion of the passage of the Bill. One of the rulings I have before me stipulates that the message must be received before the completion of the motion; that is, before it is passed. As such, I suggest that what we have before us today is a separate motion. It would need to be dealt with before the House took a final vote. If the Speaker were to rule that it is not the case and that what is before the House is

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one motion that deals with the consideration in detail of all of Legislative Council message No 39, it must be dealt with before the House can vote on amendments Nos 8 to 18.

The SPEAKER: It is not the member's contention that a ruling needs to be made before dealing with amendments Nos 4 to 7?

Mrs EDWARDES: My contention is that if the Speaker determines that we are dealing with amendments Nos 4 to 7, that is a separate motion. As such, the message from the Governor needs to be presented to the House before the House votes on amendments Nos 4 to 7.

The SPEAKER: If the motion were disagreed to?

Mrs EDWARDES: Yes, and particularly at what stage the new clause is coming in. As I understand it, the House will deal with the Legislative Council's amendments, which will be disagreed to. They will be followed by the new amendments. I contend that part of the new amendments under amendments Nos 4 to 7 is a separate motion. The new clause that the Minister for Electoral Affairs proposes to move would be incorporated in the motion dealing with amendments Nos 4 to 7. As such, the message would be required in the House before the final vote on amendments Nos 4 to 7. If that is not the ruling of the Speaker I contend that a message from the Governor would need to be received before the final vote dealing with all of Legislative Council message No 39. I will bring the Speaker's attention to some rulings by previous Speakers. *Hansard* of 11 December 1953 records at page 2643 the then Speaker -

It will be all right so long as the debate is adjourned and the motion is not finally passed before a Message is brought to the House. If no Message is brought, I will obviously have to move the motion out of order.

The motion would be deferred pending the receipt of the message and before the final vote is taken.

The SPEAKER: Until the member for Kingsley completes her argument I will take this proceeding as a point of order and other members need not request that her time be extended.

*Point of Order*

Mrs EDWARDES: A further Speaker's ruling from 1 November 1934 at page 1076 of *Hansard* states -

... it will be necessary to defer the passing of the third reading to a later stage of the sitting or until the next sitting of the House.

He is referring to as such time the message is received by the House.

Another ruling is recorded on 23 November 1950 at page 2170 when the Speaker refers to section 46 of the Constitution Acts Amendment Act.

The wording is quite clear to me at least, if not to the House; that is, that in the same session there must be a Message. The reason why normally private Bills are ruled out when no Message is produced during the second reading is that the Government is not going to produce a Governor's Message for a private member. As I see the position, the Message in this instance can come during the next few days, if required, and will be before the Chair.

The debate continues and the Speaker refers to a standing order. I have checked with the Clerk of the House and we do not have specific standing orders that deal with messages. It is purely within the interpretation of the Constitution Act. During that point of order Hon John Tonkin said -

The Standing Order distinctly says a certain class of Bill cannot be passed unless appropriation is recommended by a Message. If we pass the third reading of this Bill we will have no further say in connection with it.

He was saying that once the end of the debate is reached there is no further opportunity to deal with a Bill. A message must be received beforehand. I have a further Speaker's ruling that I will bring to the attention of the Speaker later or pass to the Clerk.

If the Government wishes to increase the number of Legislative Councillors by two it needs to do so through a separate Bill. It is quite clear that a message is required. Extra expenditure from the public purse will be required to provide for two new members. The Minister for Electoral Affairs referred to a figure of \$1 million. Because it was not anticipated at the time the first Governor's message was given, a second message must be received. I contend that as the House is dealing with amendments Nos 4 to 7 that incorporate the amendments of

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Legislative Council message No 39, it is a separate motion before the House. As such, a message is required before the vote is taken on that message. If that is not the ruling of the Speaker I contend that a further message is required before the completion of the debate on Legislative Council message No 39.

Mr PENDAL: Having spent the better part of the past three or four weeks supporting almost everything the member for Kingsley has said, I feel slightly treacherous opposing the view she has just put. I listened with care to the points the Speaker has been asked to consider. A number of furphies have been raised in this debate. They may be coloured by my own view as I supported the second reading of the Bill. In dealing with the amendments from the Legislative Council we are looking at marginal issues. It is puzzling that we are dealing with a motion that the amendments from the upper House be disagreed to. I thought that the correct grammar was that we disagreed with them. One agrees to something. Not for the first time, Parliament is slaughtering the English language.

I have been bothered by two things about this legislation in recent weeks. The first is before the House at the moment. An idea has been floated that the Clerk of the upper House would somehow take this Bill to the Supreme Court for some form of advisory opinion. I do not know how Parliament does that. I do not understand. Some years ago a federal referendum was held to allow the High Court to give advisory opinions, so that difficult constitutional issues could be avoided before they arose. If I remember correctly, that referendum was defeated, which shows that, on every occasion when they think they are being got at, people will oppose a national referendum. Now the notion is being drawn into the state arena, that Parliament is so uncertain of itself that it will go to the Supreme Court to gain some reassurances before legislating. I could not imagine anything more injurious to the Westminster system than to institutionalise that sort of thinking. The Earl of Pembroke declared that Parliament could do anything it liked, except to turn man into woman or woman into man.

Mr Graham: It did that last night!

Mr PENDAL: I am glad members are alert, because it was actually done several years ago, when the very difficult business of gender reassignment was dealt with. It was a particularly poignant and tragic set of circumstances. So the Earl of Pembroke was wrong about that, and if he could be wrong about that a couple of centuries before the time, he could be wrong about other things. However, he is right, in the sense that Parliament can do what it likes, within its constitutional limits. It seems absurd to me that the Parliament would want to hand over to the Supreme Court the right to determine its limits, before doing something. As a member of Parliament, I find the notion of this Bill ever going to the Supreme Court for an advisory opinion quite offensive. Parliament should do it with the best advice it has, that is through you, Mr Speaker, and the President of the Legislative Council, and the clerks at your side. Parliament should do the best it can, and if someone subsequently takes the issue to the Supreme Court, which rules the measure invalid, that is the way the system is supposed to work.

I turn now to the second matter of concern to me. The Bill that came before the Parliament had a message. The legislation was dealt with in this House, and then it went to the other House. The message from the Governor did not impose a fee or an impost on the people, ranging from A to Y. It was a message that allowed a charge to be made on the people. It seems to me that a message is a message. How long is a piece of string? A message would be required if, for example, the contents of my second reading speech become part of the Bill. Members will recall that I was urging the merger of the two Houses into a unicameral Parliament. If that was done, it would indeed be widening the scope of the Bill far beyond what the Government originally intended. In that case, it seems to me that we would need to go back to square one. It is stretching the matter to the utmost to propose the notion that a message is required now because this House did not originally envisage that the upper House might put in a suggestion - and that is all it can be - to increase the number of members of the other House by two. I genuinely believe that is a furphy, because the original message said, effectively, that one Parliament of 91 members was to be got rid of and replaced with another Parliament of 91 members, and doing that would create an impost on the people. The sum total of all of that indicates to me that the Speaker must decide if the Parliament is essentially changing the nature or scope of this Bill. My answer to that is that it is not, and that what is being informally proposed is still within the scope of the current Bill. The Speaker is competent to rule that way, and to consider nothing else.

Mr BARRON-SULLIVAN: I wish to address a couple of matters on this point of order. I appreciate the way you are handling this, Mr Speaker, as a broad point of order, and the Opposition will not try to drag it out, in view of the time constraints. I touched on one matter earlier on, but perhaps did not go into enough detail at that point. In the view of the Opposition, these amendments quite clearly do not fall within the scope and purpose of the original Bill. I was interested in the wording that the Minister for Electoral Affairs used earlier, talking about the advice he received on whether or not these amendments were within the scope and purpose of the Bill. He



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referred to the fact that he had advice that another message was not required for matters contained in the Bill, and that they were of the same subject matter. The Opposition is arguing that this was not contained in the Bill, and was not the same subject matter. So the Opposition agrees with the minister. Things that were contained in the original Bill, and which were the same subject are not a problem for the Opposition, but this matter was not. I mentioned the title of the Bill, and the fact that it only related to the Electoral Act. Clause 3 of the Electoral Amendment Bill 2001 reads -

The amendments in this Act are to the *Electoral Act 1907*.

Later on, the Government wants to amend that to read that the amendments in section 4 are to the Electoral Act. Quite clearly, it relates only to changes to that Act. As the member for Kingsley has just drawn to my attention, the actual message from the Governor read -

In accordance with the provisions of Section 46 of the *Constitution Acts Amendment Act 1899*, the Governor recommends that appropriations be made for the purposes of a Bill for “An Act to amend the *Electoral Act 1907*”.

It could not be more precise. It does not in any way indicate in that message that this is to be an appropriation for the purposes of a Bill to amend the Constitution Acts Amendment Act, which is required to increase the number of members of Parliament. The title of the Bill says that it is for an Act to amend the Electoral Act; clause 3 of the Bill sets out that the amendments are to the Electoral Act; and with the Governor’s own signature, message No 16 says that appropriation will be made for the purposes of a Bill for an Act to amend the Electoral Act 1907. I am no highfalutin lawyer, but in layman’s terms I cannot see how the House can suddenly be talking about another Bill.

It is important to touch on something raised by the member for South Perth. He was asking how, in the upper House, the matter can somehow or other be sent off to the Supreme Court. What we are discussing now was the subject of extensive consideration in the upper House. The Clerk of the Parliament, on 28 November, on page 5953 of *Hansard*, gave a very detailed account of what he intended to do. He intended to take the matter off to the Supreme Court, and the way I read it, he has a great deal of uncertainty in his own mind as to the legal validity of passing this sort of legislation without an absolute majority. When the Clerk of the Parliament clearly requires that sort of matter to be resolved, it demonstrates the lack of certainty about the way this whole legislation is being progressed. Interestingly, I picked up on the point made by the member for South Perth that surely this is the sort of issue that the Presiding Officers should be determining in this case. It is interesting that the Presiding Officer in the upper House -

Mr Pental: Ultimately the House.

Mr BARRON-SULLIVAN: Ultimately the House; I agree.

Mr Pental: If the President or the Speaker does something with which the House disagrees, we can get rid of the Speaker or the President.

Mr BARRON-SULLIVAN: Them’s fighting words! I agree entirely. I defer to the member’s experience in this area.

Mr Pental: I did not mean to drain the blood out of the face of the Speaker.

Mr BARRON-SULLIVAN: However, it was more than interesting to note in this case that the Presiding Officer in the other House said that he will not stand in the way of its going to the Supreme Court. Although that is another matter, and it probably diverges a little from what this point of order is about, it is important to address those points, because a huge amount of uncertainty hangs over this legislation and the way the Government is undertaking it. It falls on us to ensure that at every stage we are quite sure that what we are doing is legal and complies with all the necessary requirements, both standing orders and legislative requirements, to do with the procedures of this House. If that means we need a ruling on this matter, it is worth doing. We are firmly of the view that this legislation goes well beyond the scope and purpose of the Bill.

The minister has indicated outside this Chamber that that is the case. I say that because a number of speakers on this side and the member for Pilbara have said that we are dealing with a Bill that fundamentally concerns the lower House of this Parliament. If there were any scope or any possibility at all that at some stage we might be talking about a dramatic change to the upper House structure by increasing the number of members there, somewhere along the line we would expect the matter to be left open a bit. However, not only did the minister say something about this Bill going to the heart of changing the structure of the upper House but, unfortunately, not as much as he wanted, or something like that, but also he went the other way. He is on the public record as

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saying that not only has he not made provision for additional members of Parliament in this Bill, but also he opposes additional members in the upper House. I know of a number of occasions on which he is on the record as saying that. On 23 August, for example, he made it quite clear in the State's media that the Labor Party did not support putting two more members of Parliament into the upper House. Just as we look at a second reading speech to clarify -

Mr McGinty: That is still our view too.

Mr BARRON-SULLIVAN: It is still the view. Just as we look at the second reading speech to clarify the intention of the law-makers, so, too, must we look at what the minister is saying to clarify his intentions the other way. Not only does the second reading speech, the Bill and so on ignore any question of structural change to the upper House, and not only is it at best silent on the need to increase the number of members of the upper House, but also the minister is on the record - he went on the record again then - as saying that he is opposed to increasing the number of members to 36; in other words, that could have had nothing whatsoever to do with the Bill that was brought before this Parliament. This Parliament had nothing to do with such a major structural change in the upper House. Because the Government has made it clear that that was never its intention with the Bill and that it was never the scope and purpose of this Bill, and because the message from the Governor related only to an Act to amend the Electoral Act and not to amend the Constitution Acts Amendment Act as well, it is abundantly clear that what we are dealing with falls outside the scope of this legislation. It is also a reflection of the way in which the Government is attempting to achieve its political aims by blatantly rorting the electoral system, and it will use any technical procedure and legislative means it can to achieve those objectives.

Mrs EDWARDES: Mr Speaker, I will raise one further aspect that I did not bring to your attention; that is, *A Guide to Parliamentary Procedure* by Bruce Okely, a former Clerk of this House. I refer you to page 97 and the sections that deal with Bills appropriating revenue. He outlines some significant precedents, and states -

... the House has adopted a more tolerant attitude in that it will permit the Bills to be introduced, in some cases allowing limited debate, and then to be held in the Assembly until such time as the Governor's Message is received.

We are not saying that we want to limit the debate on the message that has come from the Council, or indeed on this motion. Essentially, at some point before the final vote is taken on it, the Governor's message needs to be received for the Bill to pass through this House. He goes on to highlight some precedents, a number of which I have referred for your attention, Mr Speaker. For those members who remember Bruce Okely, I see him once a year when he comes to sing at my seniors' Christmas party and he is very well.

Mr McGINTY: It appears that no more contributions will be made on the point of order that has been raised requesting a ruling from you, Mr Speaker. First, in a moment I will move that debate on this matter be adjourned until a later stage of today's sitting to enable you to give consideration to that matter, if that is the course you had in mind. Secondly, before doing that, I will summarise the advice and the view of the Government on this matter. The Electoral Amendment Bill 2001 was accompanied by a message when it was introduced into the House. That message was in fairly standard terminology for the purposes of this Bill. The question is: what are the purposes of this Bill? The reason a message was brought forward with the Electoral Amendment Bill when it was initially introduced into the House is that the Bill makes provision for a Legislative Assembly of a certain number of members. Obviously that requires a significant financial contribution from the State. The Bill also makes provision for redistributions, which, as we all know, are expensive undertakings. It also makes provision for a Legislative Council and the way in which the boundaries of its regions are to be fixed. It also makes provision for the number of members to be allocated to each of the six regions that are to be created by this legislation. The fact that no change in the number of members was proposed in the legislation did not negate the necessity for a message. We are still required to have a message, because under this legislation we are creating a Parliament of 57 members in the lower House and 34 in the upper House, and a redistribution mechanism for how that is to be achieved. That was the reason a message accompanied the Bill, because it created - I use that word generally - the Parliament and all of the expenditure that went with having a Parliament of that nature. If there were to be an amendment along the way adjusting the number of members, that is clearly within the scope of what this legislation seeks to do. It still deals with the number of members of the Legislative Assembly and the Legislative Council and the number to come from each region.

When the legislation was introduced, we did not propose to increase or decrease the number of members of the Legislative Assembly; that was fixed at 57. We certainly proposed a change on the basis upon which those members would be elected. To put it in a broad sense, that change was to apply the principle of one vote, one value or electoral equality. A change was to be made in the way in which members were to be elected, but not to the number of members. Notwithstanding that, a message was required because we were making provision in

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this legislation for a Parliament of 57 members in the lower House and 34 in the upper House. The upper House has sent us a message, which has reallocated the number of members to be provided from each region. It has also sent us a more cryptic message saying that unless we agree also to increase that number by two, so that each region can be equally represented, it will not pass this legislation. That explains it very simply. However, it deals with the subject matter of the legislation, which is the allocation of the number of members to each region in the Legislative Council. I thank the member for South Perth, who has opposed me on a significant amount of legislation in recent times, for his indication of a measure of support for this view.

The original message is sufficient in that it covers the matter of Parliament and the number of people to come from each region and the way in which the 57 members of the lower House are to be elected. If during the debate an amendment had been moved to increase to 59 the number of members in the Legislative Assembly, that would not have required an additional message. The message does not specify that \$X million will be allocated for this purpose; it says that funding will be provided for the broad purpose contained in the legislation. Similarly, if legislation covered the establishment of a board and the number of members was to be increased, assuming they were paid, there would be a financial ramification. No-one has ever suggested that a further message was required for each amendment should the amendments cause a different financial result.

The process is within the scope and purpose of the Bill. As such, the original message is sufficient to cover the matters contained in the broad subject matter of the Bill. It was not a message indicating that we would provide funding for a redistribution to take place for 57 members of the Legislative Assembly and for 34 members of the Legislative Council. It was to provide funding generally for the purpose of the Bill, which is to create the Parliament and to provide members to be allocated from districts and regions and, as such, it fits within the scope. The advice we acted on was that a further message was not necessary for that reason.

If you disagree, Mr Speaker, it will be necessary for us to get a message. It is a technical objection, but one that I believe has no merit

Accordingly I move -

That the debate be adjourned.

The SPEAKER: For my own peace of mind I will seek further comment on the point of order.

Mrs EDWARDES: The Minister for Electoral Affairs went from speaking on the scope and purpose of the Bill to the general view of what the Act provides and that this Bill amends the Act.

Mr McGinty: I did not draw any distinction there.

Mrs EDWARDES: The Minister for Electoral Affairs referred to the Act. In the light of the Governor's message I thought he was taking a very liberal view talking about the purposes of the Act and what it provided for the Parliament.

Mr McGinty: If I used the word "Act" it was because I am tired. I meant to refer only to this Bill.

Mrs EDWARDES: I suggest that the interpretation he gave was an extreme liberal view of the scope and purpose of the Bill before this House, which seeks to encompass two extra members of the Legislative Council. The amendment before this House was not even anticipated, let alone incorporated. It is definitely outside the scope and purpose of the Bill as it went before the Governor for his assent. The message is general, as are all messages fairly general in their nature. However, they must relate to the scope and purpose of the Bill before the Governor when he gives his assent. The Government's amendment to significantly add expenditure to the State's purse was not even anticipated and, indeed, was excluded in the second reading speech. It is, therefore, definitely outside the scope and purpose of the Bill that was the subject of the Governor's original message. A further message is therefore needed.

I do not understand why the Minister for Electoral Affairs does not safeguard himself and seek a further message. As he said, it is a technical, nonetheless important, issue for this House. If we are to change the precedent on the basis of something the Government considers is very valuable to it - this legislation - it would be contrary to precedent in this House to push it aside and say we believed we had legal advice that we did not need it. The precedent, the operation and the parliamentary procedure of this House are far more important than the Government's legislation.

Mr McGinty: Yesterday I asked whether a further message was necessary and the advice I received was that it was not necessary so we should not bother getting it.

Mrs EDWARDES: From whom did the minister receive that advice?

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Mr McGinty: I received it from the people associated with parliamentary counsel and the Clerk of the Assembly.

Mrs EDWARDES: I believe that is clearly wrong. The parliamentary procedure of this House must be protected on the basis of precedent and a further message is necessary.

Mr BARRON-SULLIVAN: I am reluctant to speak again. However, the minister raised a couple of very important points, one of which has grave ramifications for the parliamentary process. The minister has described the "Greens amendments" in the upper House as a pro forma arrangement. He said they were not what the upper House wanted but they were a pro forma arrangement. He said words to the effect that they were passed on the understanding that, when the matter reached the lower House, further amendments could be made. This confirms what government and Greens members have said. Hon Nick Griffiths said in the Legislative Council on 5 December -

It is proposed that the Bill will be further amended by the Legislative Assembly to provide for six members for each region. A message containing that provision will then be sent to this place.

The next day Hon Christine Sharp said -

Our understanding is that the Government will complete those amendments in the Legislative Assembly.

If we think about it, a Chamber of the Parliament will be considering legislation, but it will be told that, if it votes for something, it will get something else. This is mind boggling. Members in the upper House were told that the eventual outcome would be different from that which they had in front of them. They were not shown even the final amendments moved by the Minister for Electoral Affairs that are before us. They did not know what the final outcome would be. After all, who knows whether this House would approve or disapprove of the Government's amendments. Members of the upper House have not seen the amendments.

A blank cheque was written in the upper House for something to happen here. That is a travesty of the parliamentary process. The upper House - our House of Review no less - should have been able to examine this in detail and know exactly what was going on. However, the minister admitted that somehow or other - we are not allowed to use the word "deal" - everyone understood, although Liberal members did not, that the provisions passed in the upper House had no bearing on how the law would be proclaimed.

Mrs Edwardes: That was after the first message had been received.

Mr BARRON-SULLIVAN: Absolutely, that was to occur after the first message had been issued by the Government, received in this place and sent back to the Legislative Council. Even when the upper House members discussed this message, they did not know what they were sending down to the lower House or what the Government's intentions were. The Minister for Electoral Affairs said that the Legislative Council required two extra members. The Legislative Council did not require that; it was required by certain members of the Legislative Council - the Greens (WA) and Labor Party members. A Legislative Council procedure did not arrive at the situation we are now at. I cannot imagine members in this House -

Mr Pental: With respect it did, because it was what we call a vote.

Mr BARRON-SULLIVAN: Yes, but it was a vote on something about which members did not know the outcome. Even the Greens said that something would happen in the lower House; that the Government would complete those amendments in the lower House. The Minister for Electoral Affairs used the term "pro forma". I call it a blank cheque.

Mr Pental: We have other things to deal with that. As you probably know, if it gets to the stage at which the two Houses cannot agree, it goes to a conference of managers.

Mr BARRON-SULLIVAN: I am not so naive as to not understand how the political process works. The numbers are on the government side in this Chamber and with the Government, with the support of the Greens, in the upper House.

The SPEAKER: The Deputy Leader of the Opposition is straying from the point of order. Please direct your comments to the point of order, rather than to political argument.

Mr BARRON-SULLIVAN: The point I am making is that it involves something that has not been brought into the debate before. It is another reason that a separate Bill is required. What the Minister for Electoral Affairs is proposing has not had due consideration in the Parliament. Worse than that, I believe that the upper House has been duped. The Minister for Electoral Affairs virtually said that a blank cheque was signed in the upper House,

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without members understanding exactly what the Government's intentions were. That is a key reason a separate Bill is required on the matters before us.

Mr GRAHAM: The member for Kingsley and others rightly drew your attention, Mr Speaker, to the technical argument about the message. The Minister for Electoral Affairs responded that, if it is your finding that a "technical breach" has occurred, the simple answer is for him to get another message from the Legislative Council. I do not want to get involved in that argument, first, because I do not fully understand the implications of it, and, secondly, because it is a legal argument of the kind that legal people like to have, albeit an important argument.

My contention is broader than simply the message. Within the practices and procedures of the Legislative Assembly, we voted on legislation based on the second reading speech of the Minister for Electoral Affairs and the content of the Bill before us. I am contending that it is unparliamentary for amendments to come back that are contrary to the original intent of the Bill and the second reading speech of the Minister for Electoral Affairs. I request that you rule as such, Mr Speaker, and that the Minister for Electoral Affairs take it away and start the process again. If a Bill is introduced for electoral fairness, which is what the Minister for Electoral Affairs repeatedly claimed in his second reading speech, amendments should not be made which are clearly not about making things equal. The Minister for Electoral Affairs agreed with that. He does not agree that the amendments that have come back to this House will make things equal. The second reading speech said that this legislation was about making the voting system equal, but amendments have come back that will make the system inherently unequal. That should not be allowed to happen. A simple analogy is that if legislation is introduced to wipe out dogs, it cannot be extended to cats.

Mr McGinty: But you can wipe out a few more dogs.

Mr GRAHAM: No. One cannot increase the number of dogs. They can be wiped out, but their number cannot be increased, and the legislation cannot take on cats. I am using a simple analogy and I am glad that the Minister for Electoral Affairs interjected. Nowhere in his second reading speech did the Minister for Electoral Affairs say, hint or intimate that this legislation was about increasing the number of politicians in Western Australia in any way, shape or form.

Mrs Edwardes: There was certainly no vote on it by the people.

Mr GRAHAM: He did not allude to it; he did not drop a hint. He specifically excluded it in his speech. The second point I make is that the Minister for Electoral Affairs clearly said that the intent of the legislation was to maintain the status quo in the Legislative Council. I am asking you to consider those matters and to make a decision accordingly.

Mr BARNETT: I know that the points I will make have already been made, but I will restate them. There is no doubt that electoral change was an issue during the election campaign. There is no doubt that the two major parties - the Labor and Liberal Parties - differ on that issue. They are matters of policy difference. The Labor Party sought to pursue its so-called one vote, one value agenda and claimed some sort of mandate for that. It ran into trouble simply because the primary Labor vote was 37 per cent. It did not gain an overwhelming percentage of the primary vote.

The passage of this legislation has been less than honest. That does not reflect well on the Minister for Electoral Affairs, the Labor Party or the Government. The first problem was that the Government did not have, even with the support of the Greens, an absolute or constitutional majority in the upper House. The Government used a sneaky contrivance to repeal the legislation, which is clearly against the spirit of the constitutional arrangements. In a parliamentary sense, that was a dishonest contrivance. The intent of the constitutional arrangements were that if one wanted to make changes to the electoral system, a constitutional or absolute majority was required. The Labor Party did not have that, so it thought up a smart alec trick to repeal the legislation as a way to get around a safeguard in our constitutional arrangements. That was dishonest and disrespectful to this Parliament. It was improper conduct. The fact that it has ended up before the Supreme Court is a public reflection of the way in which the Labor Party has tried to abuse the proper processes and constitutional arrangements in this State.

This is a similar exercise by the Labor Party. Clearly, this legislation was introduced to change the electoral arrangements in the lower House. In his second reading speech, the Minister for Electoral Affairs said -

The legislation proposes that the status quo be broadly preserved in the Legislative Council.

In public he was at pains to say that the number of politicians would not be increased, yet this amendment will increase by two the number of politicians. He was at pains to say in debate in this House that this legislation was

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about the Legislative Assembly. Now we find that amendments to the Bill seek to change the arrangements in the Legislative Council. Because of its deal with the Greens, the Government now wants to make a change to the Legislative Council. That goes against our constitutional arrangements, the proper conduct of this Parliament, the standing orders, such as Standing Order No 177, and simple morality and decency. Unfortunately from the Government's point of view, it needs to introduce a new Bill to deal specifically with the Legislative Council. That is the proper thing to do. I do not know why the Government has a problem with that.

This Bill will be passed because the Government has the numbers in this House and in the upper House. If it has made some deal with the Greens, unholy as it might be, it should at least deal with the legislation properly and bring in a Bill to amend the Legislative Council. This House needs to be able to debate that change. Where has there been wide-ranging debate about the role of the Legislative Council? That was not debated when this Bill came through this House a few weeks ago because this Bill was about the Legislative Assembly. Now we are to make constitutional changes to the Council on the back of a couple of amendments. That is not the proper conduct of parliamentary process, particularly in an area like electoral reform. If the Minister for Electoral Affairs wishes to progress this legislation, he should bring in a separate piece of legislation to deal specifically with the changes he now wants to make to the Legislative Council. That should be considered through proper parliamentary process. I do not know why he will not do that. He should do that. That Bill would presumably pass through the Parliament in the first couple of months of next year. By then this Bill would have gone through and the Electoral Commission could start its redistribution process for the Assembly. A Bill to amend the structure and composition of the Legislative Council would go through early next year.

Why is the Government doing it in a sneaky way? Why will it not be up-front and bring in a separate piece of legislation to allow proper debate in this House and in the Legislative Council on the role, function, membership and structure of the Legislative Council. That is an important issue for this State and should be dealt with properly through a formal and separate piece of legislation, rather than by way of amendments. That is entirely inappropriate. It is important for the integrity of this Parliament to stand up for our standing orders and the constitutional arrangements of the State. That is absolutely fundamental.

The SPEAKER: I will leave the Chair in order to consider the point of order.

Question put and passed.

Debate thus adjourned.

[Continued on page 7182.]