ELECTORAL DISTRIBUTION REPEAL BILL 2001

Second Reading

Resumed from 1 August.

MR BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [4.12 pm]: This Bill is best described as the key to unlocking the door to Labor's plans for electoral change throughout Western Australia. Although we have dealt with the main electoral distribution legislation, which contains a number of technical details associated with the system the Labor Party wants to implement, this Bill is the key to how the Labor Party will achieve those changes.

I will touch on a little bit of history, as I did with the last Bill, because I want to reinforce some of the points that relate to the truth behind electoral change and electoral reform in Western Australia over the past century. The Minister for Electoral Affairs and other members of the Labor Party seem to have a problem with the notion of democracy and electoral reform generally. It is clear from comments made in this Chamber that they prefer "majoritarian" democracy to what we might call consensual democracy - using the numbers to get things done rather than holding any concern for the checks and balances without which true democracy cannot exist.

Earlier this year, the Minister for Electoral Affairs was pouring contempt on the idea that the people of Western Australia could be so much as trusted to vote by referendum on their own constitutional future. He was in effect saying, "Poor, silly things; they proved their past foolishness by voting no to commonwealth referendums", which, in his view, would properly diminish the importance of elected State Parliaments. On 29 August he showed the same contempt for entrenchment provisions of electoral and constitutional legislation. Members will recall the minister's comments about entrenchment. A couple of quotes are worth repeating to remind members. He said -

> In Australia we have this quaint notion of entrenchment, which some members in this debate seem to want to elevate to being some great constitutional principle. It is a barnacle on the keel of progress.

That is how our Minister for Electoral Affairs described a democratic system that is not only evident in Western Australia and Australia, but also is internationally recognised as the fundamental basis of any true democracy based on the constitutional systems we operate. The Minister for Electoral Affairs also said -

> Entrenchment is something which is imposed. . . and it has its origins in things such as the Statute of Westminster, the Colonial Laws, Validity Act and those sorts of things, which allowed manner and form provisions in the colonial legislation to act as a fetter on the ability of Parliament to enact legislation.

Essentially, the Minister for Electoral Affairs was dismissing the 1931 statute of Westminster that gave Australia total independence as a colonial Legislature. Not only does this demonstrate a degree of arrogance, but also it is contemptuous of our history. Although the Minister for Electoral Affairs calls anachronistic "fetters on the ability of the Parliament to legislate as contained in legislation", surely anything that prevents the majority of the day from doing what it likes is not an anachronism. Surely that is the basis of our democratic process.

Finally he said -

> I do not find the notion of entrenchment constitutionally appealing; in fact, I find it repugnant.

That was very telling. As we will see in a while, that lack of principle is reflected in many ways in this legislation. The Minister for Electoral Affairs clearly has no sympathy for any notion that the rules that govern political competition should be that much harder for a Government to change, or that changes should ideally be made only by Governments that have a very strong parliamentary majority or are able to win support from their Oppositions or from independent members of Parliament.

Electors do not want Governments to have too much power over too many things. Quite frankly, they do not trust Governments of any persuasion to fiddle the rules of an election system. They do not trust ministers like this minister who think they know what is best for them. There are three very good examples of how the entrenchment provisions in the Electoral Distribution Act and its predecessors have prevented Governments on both sides of the fence from manipulating the rules of the political game.

In 1937 the Willcock Labor Government introduced a Bill for redistribution that would have taken three seats from the agricultural area and given them not to the metropolitan region but to the mining areas, in which average enrolments would have been one-third of that in the metropolitan area and only half of that in the rural areas. The urban area of Kalgoorlie would have had four tiny seats of 2 500 voters each. That was an attempted

political rort by the Labor Party, which, we are told, has always had pure intentions for electoral equality under the banner of so-called one vote, one value.

In 1937 the ALP attempted to increase vote weighting for its own crude political advantage, just as is happening with this legislation. The 1937 Bill failed to pass the Legislative Assembly, because of the need for an absolute majority. The Willcock Government in 1937 had 26 of the 50 seats in the Legislative Assembly, and 25 votes on the floor of the Legislative Assembly. The Opposition, supported by the Independent former Labor member for East Perth, denied that Government that absolute majority and the Bill failed. The entrenchment provisions cut in, which demonstrates the importance and significance of that principle.

In 1954, another Labor Government, with a slim 26 to 24 majority over the coalition, tried to fiddle with the Electoral Districts Act again. The Hawke Labor Government was concerned that when the scheduled redistribution took place under the Electoral Districts Act, it would transfer a seat from the suburbs of Kalgoorlie-Boulder to the metropolitan area. As we know, traditionally, the goldfields area has been a strong Labor area. The Hawke Labor Government was not too keen for that to happen. That highly principled Labor Government moved amendments to the Electoral Districts Act to add two extra members to the Legislative Assembly, and to go back to a three-zone weighting system. That would have allowed for the creation of a new outer-mining zone, with enrolments only two-thirds the number of those in rural seats and one-third the number of metropolitan seats, when all mining seats were automatically safe Labor seats. Further privilege for the mining seats was to be given by allowing for a 15 per cent tolerance in determining their electoral population, compared with five per cent for the rural seats and 2.5 per cent for the metropolitan area. That Bill was an unashamed Labor rort, but the need for an absolute majority killed it in the Legislative Assembly. Once again the principle of entrenchment cut in, and the democratic process was safeguarded.

I will give a third example to demonstrate a degree of impartiality in this argument. That comes from 1959 when the Brand coalition Government - generally a very good Government - also feared the impact of an impending redistribution and, likewise, sought to amend the then Electoral Districts Act in its favour. This time the Legislative Assembly was to have one extra member, and again there was to be an extra zone for goldfields electorates, but with no preferential additional weighting. Indeed, there was to be increased weighting for rural electorates with average enrolments 12 per cent below the mining seats. Clearly, it was self-interested legislation, moved by a Government with an effective but narrow 26 to 24 majority over Labor. It was roundly criticised at the time by the media. That is ironic, because the media have indicated that the current legislation amounts to nothing more than a political rort as well. In retrospect, the Brand Government's legislation was a bad call by an otherwise first-rate Government. Once again, the need for an absolute majority ensured that it never passed the Legislative Assembly. The entrenchment principle cut in, and our democratic process was safeguarded.

It is an interesting fact in those examples that all three Governments that were thwarted by the need for an absolute majority to change the electoral rules were later re-elected with absolute majorities in the Legislative Assembly; yet once they were re-elected with absolute majorities, none of them reintroduced the defeated Bills. Could it be that the entrenchment so despised by the Minister for Electoral Affairs gave those former State Governments of both political persuasions pause for reflection so that they realised they had gone too far?

The constitutional protection given to the legislation that governs redistributions has on occasion protected the electoral system from partisan fiddling, and possibly has even saved Governments from themselves. There is only one motive for removing constitutional entrenchment. It is to make manipulation easier in a Parliament in which fairly narrow majorities are becoming more common in the Legislative Assembly. In the 27 years from 1947 to 1974, successive Governments had absolute majorities for only nine of those years - Labor between 1956 and 1959, and the coalition between 1965 and 1971. Fairly recently, between 1989 and 1993, we had a Government with a precarious majority. Moreover, there has been no absolute majority for any Government in the Legislative Council since proportional representation was introduced in 1989, and it is increasingly likely that neither side of politics will ever have such a majority. History suggests that it is often Governments with small majorities that try to manipulate the electoral system in their favour. The last thing we should do is to put temptation in their way and to make that manipulation easier.

The DEPUTY SPEAKER: Members, I ask for some of the discussion to cease, please, so that I can hear the Deputy Leader of the Opposition.

Mr BARRON-SULLIVAN: No wonder this Government, combining sheer opportunism with a debased concern - a lack of concern - for the checks and balances that are the very essence of democratic constitutionalism, wants to do away with entrenchment provisions. The member for Perth in his maiden speech seemed to announce himself as a disciple of the infamous political thug, Huey Long, whose methods were the disregard of

constitutional practice and the intimidation of opponents. I ask, perhaps not so much with tongue in cheek, whether the Government is to some extent following in Long's footsteps.

This Government has never seriously argued why there should no longer be a separate Electoral Distribution Act and why the redistribution process should become part of the Electoral Act 1907, which deals with the mechanics rather than the principles of our democratic system. When one looks at the minister's second reading speech on the Electoral Distribution Repeal Bill, it is interesting that there is basically no explanation of why this legislation is required. The minister said in his second reading speech -

> As I have outlined to members, there has been a continual evolution in relation to the electoral arrangements for this Parliament. Those arrangements are gradually being taken out of the Western Australian Constitution and the Constitution Acts Amendment Act and are being placed in a single piece of legislation dealing with all aspects of the electoral process.

My goodness! The Government must have been scraping the bottom of the barrel to try to come up with an excuse for bringing in this legislation in this way. It said that it is because there will be a gradual process to phase in a single piece of legislation dealing with all aspects of the electoral process. Good grief! The mind boggles.

There is no explanation whatsoever in this Bill of why the entrenchment provisions in the Electoral Distribution Act have been thwarted, and there was no explanation in the minister's second reading speech of why an entrenchment provision has been omitted from any of the new electoral legislation with which we are dealing in the Parliament at present. Indeed, there was absolutely no explanation of why the Government has not put the principle of one vote, one value into the Constitution, as it has promised and as has been debated in this Parliament a number of times. Essentially, the second reading speech presented us with a fait accompli. We were given explanatory notes that provided no indication whatsoever of why this Bill is necessary; or, indeed, why two Bills, instead of just one, are necessary to achieve all the electoral change the Government is seeking. I will touch on that in more detail later on.

The Electoral Distribution Act has served this State well. In 1947, it marked the beginning of a more honest electoral system, under which electoral commissioners could no longer have their work undone by Parliament, weighting became less complex, and redistributions were held regularly. Members may recall from a previous speech I made that, before then, it had been decades since a full redistribution had taken place. Ironically, it was in 1947 that the then Labor Leader of the Opposition referred to the principle of one vote, one value as evil. Therefore, it was an interesting year. Indeed, in the 40 years prior to that reform, there had been only two redistributions altogether. They were in 1911 and 1929. Therefore, for long periods, outdated electoral boundaries prevailed because of political deadlock and deliberate inaction by Governments.

For many years the Electoral Districts Act 1947, as it was then known, gave Western Australia a stronger system than that of the Commonwealth, where redistributions were subject to parliamentary approval and government manipulation. Between 1955 and 1969 there was no change to the federal boundaries, at a time of massive population growth, and some inner-city seats were grossly shrunken by the end of that period. Arguably, after 1986 the Burke Labor Government had a far stronger electoral mandate than this Government - certainly that is so if one looks at the voting patterns in that election. However, in changing the system, the Burke Government did not seek to repeal the Act or to escape the democratic need for an absolute majority. Therefore, back in 1987 when those changes were made to the basis of our Parliament -

Ms MacTiernan: They were negotiated changes with a gerrymandered upper House.

Mr BARRON-SULLIVAN: That demonstrates how much the Labor Party is prepared to push for principle, rather than for its own pragmatic and blatantly party-political gain. If the Labor Party believed in the principle, it would come to the Parliament and argue that principle. If it believes it has a mandate on any of these issues, it can go to the people. It would be a very brave party that went against the will of the people after a referendum on an issue like this.

Ms MacTiernan: If we went to a referendum, what would your position be? Would the Liberal Party support one vote, one value? What would your position be?

Mr BARRON-SULLIVAN: I have said in this place a number of times that I oppose the Labor Party's legislation.

Ms MacTiernan: Do you oppose one vote, one value?

Mr BARRON-SULLIVAN: The minister is a lawyer. I am sure she would understand that such a referendum would be a simple case of drafting a piece of legislation that refers to this legislation and then asking two very simple questions.

Ms MacTiernan: What is your position? You do not believe in one vote, one value.

Mr BARRON-SULLIVAN: I oppose it to the hilt. This legislation is lousy. This legislation will not introduce one vote, one value.

Ms MacTiernan: What do you think should be the regime? Do you think that it is fair for people in country areas to have a greater vote?

Mr BARRON-SULLIVAN: The minister should get out of opposition mode. We accept that we experienced a thumping defeat in February. We are now performing our proper job as the parliamentary watchdog in this State. In three years, we will present our policies to the community and demonstrate that we will be a better government. At the moment, we are dealing with this Government's legislation.

Ms MacTiernan: You are not prepared, in this great constitutional debate, to state your belief.

Mr BARRON-SULLIVAN: Even if the Government had the guts to ask the community about this legislation, I would fight it to the hilt. Governments that want to put aside such democratic safeguards as the requirement for an absolute majority are motivated by self-interest over the public good. It is the same attitude we find among centralist-minded people who howl and whinge that it is too hard to amend the federal Constitution.

I again refer to the Commission on Government. There has been considerable debate about the findings and recommendations of the Commission on Government, particularly in relation to matters of electoral reform. As I have said a number of times, I am the first to appreciate that the Commission on Government recommended one vote, one value. However, it did not recommend what is in this legislation or the Bill with which we have already dealt. As has been explained, these pieces of legislation will not result in one vote, one value. The Commission on Government recommended that key principle be put in place through legislation.

Ms MacTiernan: Do you think we should eliminate the weighting of votes in the Mining and Pastoral Region?

Mr BARRON-SULLIVAN: I am talking about the recommendations of the Commission on Government, which were adopted by the Labor Party. The Commission on Government said that one vote, one value should be put into the Constitution and that a referendum should be held so that the people can say whether they support that principle and whether it should be contained in the Constitution. The Commission on Government strongly recommended entrenchment provisions. It went further than recommending the requirement of an absolute majority; it said that any changes to the Constitution, including changes to principles like one vote, one value, should go to a referendum. It went even further by saying that if one vote, one value were put in the Constitution, the amended Constitution should go to the people in a referendum. Members on this side of the Chamber have stressed that the Labor Party adopted almost all the Commission on Government recommendations. It certainly adopted the recommendations relating to the matters to which I have referred.

Ms MacTiernan: You did nothing.

Mr BARRON-SULLIVAN: Does the minister still support those recommendations?

Ms MacTiernan: You were here for six years and you made no move whatsoever to make the electoral system fairer. You ignored it for six years.

Mr BARRON-SULLIVAN: She is not prepared to answer because the Government is going against its own policy and its promises to the people.

Ms MacTiernan: You did nothing.

Mr Pendal: You think you're an expert about somebody else's portfolio; you know nothing about yours.

Ms MacTiernan: Everyone has an interest in electoral reform. You know nothing about railways.

Mr BARRON-SULLIVAN: The member for South Perth's interjection is valid. It is rare for the Minister for Electoral Affairs or the Premier to be in this Chamber during the debates and discussions on this legislation; yet this is an important matter that is supposed to be one of the Labor Party's flagship pieces of legislation.

Ms MacTiernan: If you had something interesting to say, they might be here.

Mr BARRON-SULLIVAN: I have something very interesting to say. The Commission on Government's fifth report states -

> It is inappropriate for parliamentarians to have the power to amend the State Constitution, without approval by the people . . . All proposals to amend the *Constitution Act 1889* should be referred to the people for approval through a referendum process. Some of our recommendations in Chapter 4 of this Report, for amending and consolidating the *Constitution Act 1889* and repealing the *Constitution Acts Amendment Act 1899,* will require a referendum under s.73 of the *Constitution Act 1889*. Whether or not the recommendations require a referendum under the existing State Constitution, they should be submitted to the people in a manner consistent with our general recommendations for constitutional amendment.

In other words, the Government should go to a referendum. If one vote, one value is to be introduced, it should be first put into the Constitution and taken to the people through a referendum. Of course, this legislation and the previous Bill show that the Government has no intention of going down that path.

This matter has caused conflict between the Premier and the minister. I am not sure whether it is direct conflict or whether they do not understand what they are saying or the process of assessment of electoral matters, particularly in relation to the COG recommendations. The minister has slated the process of entrenchment, referring to it as a barnacle on the keel of progress; yet, the Premier supports it. The Commission on Government's fifth report quotes the Premier talking about entrenchment -

> At a public hearing in Perth, Dr Geoff Gallop MLA made the point that:
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> > . . . there is a very contradictory treatment of referenda in the constitution. As you are aware, some clauses of the state constitution do require reference to the people if they are to be amended but others don't. I really think the constitution . . . ought to be a document of the people and therefore subject to the people's reference if it is to be changed.

In other words, the Premier supports entrenchment. The Premier has said he agrees with the COG recommendation that one vote, one value should be in the Constitution, and also that when the Constitution is amended in that way, it should go to the people in a referendum. Yet the minister calls that process a barnacle on the keel of progress. The Premier also said -

> . . . I think the document -

That is, the Constitution as amended to include one vote, one value -

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

He said that he agreed with the entrenchment provisions. He did not think they were a barnacle on the keel of progress. The Premier took great delight in pointing at me across the Chamber and indicating that I was in some way misleading the House or trying to have a lend of the situation with my interpretation of the Commission on Government's recommendations regarding a referendum on constitutional change relating to one vote, one value. The Premier said that comments I had made were in direct contravention of the Commission on Government's recommendations. He said -

> Putting it simply, the Commission on Government said that although the detailed operations of electoral systems should be outlined in the Electoral Act, fundamental principles like one vote, one value should be put in the Constitution Act.

I agree with him wholeheartedly. That is exactly what it says. It is in black and white. Further, the Labor Party endorsed that position. It said that that was its policy and that if it won government, it would put one vote, one value into the Constitution. It is not doing that. The Premier went on to say -

> Secondly, any future amendments to the Constitution would have to go to the people for ratification. I emphasise the word "future".

This might be the stage at which he was pointing at me. He went on to say -

> It is not true that the Commission on Government recommended that electoral reform legislation go to a referendum.

I have never said that the Commission on Government recommended the legislation go to a referendum. I said that it recommended that one vote, one value be enshrined in the Constitution - which the Premier has acknowledged - and then go to a referendum. One of my earlier quotes indicates that. The Premier was clearly wrong.

Guess what? The Minister for Electoral Affairs agrees with me; he is on the record as saying that. On 29 August, during a debate in answer to a question I asked, the minister made some statements about entrenchment and about this matter. He said -

> I am happy for a Constitution to be put to the people to adopt and for any subsequent amendment to be made by the same process. What I resent is legislation that a Government, because it happens to have a majority, says cannot be amended unless the Opposition can match its majority in the future. That is what I object to, but I do not mind if it is put to the people and the people determine the constitutional principle, which can be amended only by that mechanism in the future.

He also said -

> I will support that entrenchment. The COG recommended that Parliament legislate to give effect to one vote, one value.

I agree. He continues -

> It should then be put into a Constitution -

Again, I agree. He further stated -

> and put out to the people.

That is exactly what I have said, and it is exactly what the Premier said I was wrong about. The Minister for Electoral Affairs has said that, on this issue, the member for Mitchell is spot on. The Minister for Electoral Affairs continued -

> Any subsequent variation would require the same process of approval by the people.

The Labor Party supported wholeheartedly the initial change to put one vote, one value in the Constitution and to hold a referendum. The Minister for Electoral Affairs has had the guts to say that that is the truth and that what I have said is correct. The Minister for Electoral Affairs further stated -

> I have no argument with that.

That is the one bit of truth we have heard throughout this debate, and it demonstrates that the Premier does not have a grasp of this legislation or, alternatively, that he is prepared to mislead the community on this important matter of principle.

This legislation hinges on the treatment of section 13 of the Electoral Distribution Act 1947. This lonely little section in this important Act is a powerful congregation of words. It states -

> It shall not be lawful to present to the Governor for Her Majesty's assent any Bill to amend this Act, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

They are only a few little words, but they are incredibly important. Those few words explain why we are dealing with the Bill before us. The Labor Party is terrified of those few little words. Those words spell out the entrenchment provisions in our electoral legislation and they prevent blatant party political manipulation in this Parliament of the very foundation of our democratic process. Those words give force to the internationally accepted principle of entrenchment about which the Premier has spoken in favour and that the Minister for Electoral Affairs has referred to as a "barnacle".

Why is section 13 of the Electoral Distribution Act so important? To get electoral change through both Houses of this Parliament the Government must have an absolute majority in both Chambers. Currently, the Government has an absolute majority in the Legislative Assembly, but it does not have an absolute majority in the upper House. In order to pass this type of electoral change in the upper House, the Government needs one more vote, even with the support of the Greens (WA). Previously we have heard about how the Government was keen to give the President in the upper House a deliberative vote so that the Government could have an absolute majority. However, the Greens thwarted the Government on that issue.

What is the Government's alternative? It is snookered. It desperately wants to change the electoral boundaries for the next election. The Government is six seats away from losing office. Government members would have to be sweating considering the performance of the Government in its first seven months. Those six seats would fall in two or three years if members on this side of the Chamber proposed a sensible policy platform and were able to demonstrate the problems inherent in the Government's approach to the administration of this State. The Minister for Electoral Affairs knows that. The minister knows that the loss of six seats is a distinct possibility

and that this Government could ultimately be a one-term Government. How can the Labor Party stretch its term of office? How can it build extra Labor seats into the electoral system? It can do that by passing this legislation. This legislation introduces a new form of mathematical witchcraft and vote weighting.

Ms MacTiernan: Why would that necessarily be the case? Is it because your party is not attractive to the people in the city?

Mr Barron-Sullivan: I will take an interjection from the only minister in the Chamber at the moment.

Mr Brown: Why don't you tell the truth?

Mr BARRON-SULLIVAN: I do not notice that the Minister for State Development is here if he is not ranting and raving. When the minister yells at 50 decibels - now he is winding up, he is yelling at 30 decibels! Why does the minister for transport, road safety or part transport - I will get it right in a minute; it is the Minister for Planning and Infrastructure - not support putting one vote, one value into the Constitution?

Ms MacTiernan: The question I asked you was why is it that -

Mr BARRON-SULLIVAN: We are the Opposition; we question the Government. We swapped sides on February 14 when we lost the election. The minister's pay packet has increased, she has a chauffer-driven car, and she sits on the other side of the Chamber; however, she does little else.

Ms MacTiernan: I am trying to understand why you are so pessimistic.

Mr BARRON-SULLIVAN: The Minister for Planning and Infrastructure is on the government side of the Chamber. The Opposition asks the questions, but the members of the Government do not want to answer them. I will refer to the second reading speech by the Minister for Electoral Affairs.

Mr Day: Where is the Minister for Electoral Affairs? He should be here. It is an absolute disgrace that he is not.

Mr BARRON-SULLIVAN: He did not even come into the Chamber for the committee stage of the debate on the Electoral Amendment Bill, so it is hardly surprising that he is not here now.

Mr Day: We might have to adjourn the debate if he does not turn up.

Mr BARRON-SULLIVAN: That is not a bad idea. I read the Minister for Electoral Affairs' second reading speech to understand why the Government decided to try to bypass this entrenchment provision, but I could not find an explanation. I thought that the Government must have put the entrenchment provision in the new legislation. I read the legislation from cover to cover but could not find anything like those lonely little words in section 13. I read the second reading speech of the Minister for Electoral Affairs and, lo and behold, there is no mention of section 13. Not only is the Government prepared to try to pass this electoral change by bypassing the well-accepted principles of entrenchment, but also, once an electoral system has been created, the Government does not provide for any form of absolute majority as a requirement to change that legislation. In other words, section 13 of the Electoral Distribution Act and the principle of entrenchment of our electoral system has been thrown in the bin.

In 1904, these electoral provisions were taken out of our Constitution and the entrenchment provisions therein contained were legislated for in the electoral legislation of 1904. The entrenchment provisions were also carried through in the changes made during the 1920s and again in 1947. When the Burke Labor Government amended the legislation in the 1980s, even it kept the entrenchment provisions. After nearly 100 years since the 1904 legislation, this piece of legislation, which is undoubtedly the most important and significant electoral change since 1904, has no such provision. Again, there has been no explanation about why the provision is not in the legislation.

The structure of this Bill is interesting because it raises more questions than it answers. The coalition examined the two Bills that concern electoral change, including the Electoral Distribution Repeal Bill. If they were rolled into one Bill, it would be a simple piece of legislation only five pages in length. The Government could have made changes to the Electoral Distribution Act in that way, which would have achieved the same things that this Bill would achieve. Of those five pages, one is the title and another is the short title. The substance of that amending Bill, a Bill to amend the Electoral Distribution Act, would have been only two full pages and two lines.

Yet, we are dealing with two Bills. This Parliament is being bogged down because it has to deal with two Bills, when the legislative changes contained in those Bills take up the space of only two pages and two lines. This House had to deal with one Bill in the previous weeks and now must deal with this repeal Bill. One Bill amends the Electoral Act 1907 and the other repeals the Electoral Distribution Act 1947. However, it does not do that.

The Government is attempting to amend the Electoral Distribution Act by stealth. It is trying to amend all the provisions of the Electoral Distribution Act by cunningly getting rid of that Act and then bringing back virtually all the key provisions, plus a few others, so that it can rort the electoral boundaries. The Government wants to roll them into the Electoral Act.

The Electoral Act has dealt with the machinery of our electoral system, not the principle behind it. The principle behind it should be in either the Constitution or another piece of legislation. I agree with the Commission on Government recommendations that it should be in the Constitution. Fundamental principles such as that should be enshrined in the Constitution and should have strong entrenchment provisions. The people should ultimately be sovereign in such matters. A referendum should be required to approve changes and for the Constitution to be amended down the track. None of this principle means anything when a party wants to buy itself a few more seats in the next election by rorting the electoral boundaries.

There was no need for two Bills. There was no need for an Electoral Distribution Repeal Bill and there certainly was no need to put all these provisions in the Electoral Act. It could all have been done in one simple little Bill to amend the Electoral Distribution Act. However, the Government did not do that because it knew it would not get an absolute majority in the upper House, so it had to come up with this convoluted way to try to get around the whole process. As I said during the third reading debate on the previous Bill, that is why the Liberal Party is keen for the matter to be referred to the Supreme Court. The Liberal Party believes, and the advice it has received indicates, that what the Government is doing is unlawful - this legislation is not legal, it is fundamentally flawed and it does not actually constitute a repeal Bill; it is part of an elaborate process to amend the Electoral Distribution Act. As I said earlier, the Government is amending this legislation by stealth. It is not my intention to go through legal arguments here; it is not for me to convince other members. The Opposition hopes that the legal argument can be presented to a Full Court of the Supreme Court, so that the Supreme Court can make an objective and sensible decision on the validity of this legislation. However, to do that, a majority of members in the upper House must agree to a motion to request the Attorney General to refer the matter to the Supreme Court. Although I hope that will not be necessary for the Government to do the right thing and to determine whether this legislation is valid, principle has been cast aside for political expediency on a number of occasions. The Premier, who previously lambasted the idea of the President of the upper House being given a deliberative vote, openly embraced the idea to try to get electoral change through this year.

Mr Johnson: Whatever it takes.

Mr BARRON-SULLIVAN: Absolutely; whatever it takes. When the Government was given the opportunity, for the first time, to get a standing committee up and running in this House of Parliament to consider government legislation in detail, it cast principle aside to ram this legislation through the Parliament. The Government put principle aside when, after only 40 minutes, it guillotined debate on the motion that there be a referendum on this legislation. The Attorney General is prepared to put principle aside and has referred to the principle of entrenchment as a barnacle on the keel of progress.

Mr Johnson: And he is not even in the House when we are debating his Bill!

Mr BARRON-SULLIVAN: I doubt that he will be in the House for much of the committee stage! As the member for Hillarys said, I believe that we are now seeing a contempt of Parliament and a blatant manipulation of the parliamentary process. This side has indicated on a number of occasions that there is no mandate for this so-called principle of one vote, one value. We have put the arguments forward and they have not been refuted. Only 37 per cent of voters in Western Australia supported the Government at the last election. Even if every one of those people had voted for the Labor Party because of this so-called one vote, one value issue, only 37 per cent did, and that is not a majority. People in most electorates have not even heard of this issue, because the Labor Party did not champion it. The Labor Party did not even publicise it. In those few little electorates in country areas where the Liberal and National Parties raised this issue -

Ms MacTiernan: Did you not run a very extensive advertising campaign?

Mr BARRON-SULLIVAN: Yes, we did in country areas.

Mr Murray: It cost you $500 000.

Mr BARRON-SULLIVAN: The Labor Party vote went down in the country areas in which we ran those advertisements, such as in the electorate of Collie. If the people of Collie were so keen to have this legislation they would have said, “Hey, we want one vote, one value; we want to get rid of the seat of Collie”. That will happen - bye-bye seat of Collie; it was nice seeing the member for four years.

Mr Murray: It is one vote, one value; I can live with that. It is called democracy.

Mr BARRON-SULLIVAN: Bye-bye! Collie will go after four years. Does the member really believe that the people of Collie voted for it? They did not. That is one of the reasons the Labor Party's vote went down.

Ms MacTiernan: Hold on, they did not vote for your mob. The people of Collie did not vote for the conservatives who ran the advertisements, nor did the people of Albany.

Mr BARRON-SULLIVAN: I will grant that point to the member for Midland. The Labor Party got a higher vote in Bunbury. The member for Bunbury still won on the primary vote. He would still be the member for Bunbury in any western nation, but the situation is different with Albany. The Labor Party's vote went down in Albany and in Geraldton. The reason the Labor Party's vote went down in those areas can in part be attributed to the fact that it does not give a damn about country areas and it showed that by saying that it will gut country people's representation and silence their voice in Parliament. However, that is enough of history. Not only did the Government not have a mandate for one vote, one value -

Mr Murray: History says that you are in opposition.

Mr BARRON-SULLIVAN: If the member for Collie thinks that the Labor Party has a mandate for one vote, one value, I am dying to take his interjection. I will take an interjection from any member on the other side. They should tell me whether they said that a Labor Government would introduce one vote, one value by putting legislation to change the electoral system through both Houses of Parliament.

Ms MacTiernan: We have always stood for one vote, one value.

Mr BARRON-SULLIVAN: The Labor Party has always stood for putting it in the Constitution and for going to the people in a referendum. On 18 November 1996, the Labor Party made a commitment to put one vote, one value in the Constitution. If any new members on that side do not have it, I will give them a copy of Dr Geoffrey Gallop's press release that said one vote, one value should be in the Constitution, that the Labor Party would go to the people in a referendum and they would decide.

Mr Murray: They understand democracy; you do not.

Mr BARRON-SULLIVAN: I will send the member for Collie a farewell card in four years time if this legislation goes through. He should not worry about that. I am a nice guy; I am a lovely guy at heart.

Mr Murray interjected.

Mr BARRON-SULLIVAN: Sticks and stones! The Labor Party's performance throughout this has been based on a complete lack of principle. It is based on an utter disregard for the promises and commitments made to the people of this State. Commitment after commitment has been broken. I will go through a few commitments that the Labor Party has broken during this process.

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr Johnson interjected.

Mr BARRON-SULLIVAN: Absolutely. Have any country Labor Party members been offered jobs in metropolitan seats if this legislation goes through? Has the member for Collie been offered the chance of an upper House seat or any other seat?

Mr Murray: No.

Mr BARRON-SULLIVAN: Is that not a shame? He should have bargained, because he will get my farewell card in four years. I will highlight the promises that the Labor Party has broken as part of this foul process in recent weeks.

Mr Murray interjected.

The DEPUTY SPEAKER: Order, members!

Mr BARRON-SULLIVAN: Under Commission on Government recommendation No 255, Dr Gallop agreed to enshrine one vote, one value for the Legislative Assembly in the Constitution Act 1889. He is now entrenching one vote, one value by legislation, which can be altered by political parties. Under Commission on Government recommendation No 256, Dr Gallop agreed to enshrine the composition of the upper House in the Constitution Act; he is whacking it in the Electoral Act instead. Under Commission on Government recommendation No 263, Dr Gallop agreed to hold a people's convention to develop the new Constitution and so on. We have not heard anything about that, have we? Dr Gallop agreed with the Commission on Government that all changes to the constitution should go to the people in a referendum. He is not doing that now. Dr Gallop was going to give

the electoral reform portfolio to the Deputy Premier and tell him to go ahead with constitutional reform. He has not done that; he has given the portfolio to the Attorney General.

Ms MacTiernan: But we have not changed the Constitution.

Mr BARRON-SULLIVAN: I would let the Government off on that one, but do members opposite not think that the others are just a little bit more important?

Lastly, the Labor Party professes to support one vote, one value in both Houses of Parliament. However, not only does the Labor Party not go anywhere near the upper House, but it is not prepared to put its money where its mouth is to fight for principle. The lower House will end up with a system that has 12 500 voters in Gascoyne, with 7 500 dummy voters; about 24 000 voters in Roe; and probably 14 000 voters in the North Metropolitan Region areas around Wanneroo and so on - and the Labor Party calls this one vote, one value! The mind absolutely boggles.

When one considers the history of electoral reform in this State and how the Labor Party has tried to take the moral high ground on this matter and say that it has been pushing one vote, one value for a hundred years -

Ms MacTiernan interjected.

The ACTING SPEAKER (Mr Edwards): Order, members!

Mr BARRON-SULLIVAN: I have to say that Labor's recollection of the facts and its recollection of history is somewhat faulty.

Let us consider, once again, some of the milestones in electoral reform in Western Australia. In 1899 the Forrest Government enfranchised women - and that was before the Labor Party had one member of Parliament in here.

Ms MacTiernan interjected.

The ACTING SPEAKER: Order, minister!

Mr BARRON-SULLIVAN: If this were the minister's Bill or if she had the guts to stand up for what her party put in its party platform and is now dropping like a bag of very smelly fish because it would like to ram this legislation through for its blatant political gain, I would not mind her interjecting so much.

In 1947 it was the McLarty coalition Government -

Ms MacTiernan: Let us talk about the Shell service station on the Australind bypass if you want to talk about smelly fish!

Mr BARRON-SULLIVAN: I will have a debate with the minister on that matter any day of the week; I am more than happy to do so.

In 1947 the McLarty coalition Government passed what was then known as the Electoral Districts Act, which in 1987 ultimately became the Electoral Distribution Act under the Burke Labor Government. Let me remind members that 1947 was the year that the Labor Leader of the Opposition, good old Frank Wise from the Gascoyne area, a regional area, referred to one vote, one value. Did he refer to it as nice? No, he did not. Did he refer to it as an in-principle position? No. He referred to one vote, one value as evil. This is the Labor Party that for 100 years, we were told, has pushed for one vote, one value and has a high principled position on this issue, yet its leader in 1947 said it was evil! The only thing evil is the way the minister is trying to ram this thing through Parliament. However, to make my point, in 1947 the McLarty Government changed the system so that there would be regular redistributions and, very importantly, so that the electoral commissioners could act independently of the parliamentary process. They could get out there and come up with the electoral boundaries and so on and not be dictated to and suffer parliamentary interference.

It is very interesting that in 1954 - and earlier on in my speech I referred to some changes that the Hawke Labor Government made - it was a goldfields Labor member of Parliament - the member for Eyre might know more about his history than I do - a Mr McCulloch, who stressed the need to prevent the city from absorbing more country seats. In response to an interjection, "Doesn't the Labor Party provide for one vote, one value?", he called out, "I have never heard of it." Is it not funny that all the way through history there are Labor Party members who do not support one vote, one value, and call it evil and do not reckon that that is what their party stands for, yet we are told today that the Labor Party has stood for it for 100 years.

In 1963 the Brand coalition Government introduced full adult franchise for the Legislative Council, a milestone in electoral reform. That certainly was not done by the Labor Party. In fact, one is battling to find a single milestone of electoral reform under the Labor Party. However, I did come across a number of great examples of attempted boundary rigging by the Labor Party. In 1970 it was also the Brand coalition Government that

legislated to give Aboriginal people the right to enrol and vote, and extended the franchise to 18-year-olds. Again, the Labor Party's history in this area really is not that flash. When one looks at matters of principle, the Labor Party has quite blatantly decided that its pragmatic political ends are far more important than any well-recognised principles in our democratic process of government.

Once again I say that we need to blow this egg apart - if I can call it that. We have got to get to the heart of whether this legislation is invalid or unlawful. Those on this side of House have looked at the legal side in some detail. We have had people outside of Parliament who have voluntarily offered their advice. They are so concerned about what the Government is doing that they have come to us -

Mr Bowler interjected.

Mr BARRON-SULLIVAN: The member for Eyre may laugh, but when key academics and constitutional lawyers approach us to say that what the Labor Party is doing is fundamentally wrong, one smells a rat. We are very confident and hopeful that if this matter goes to the Supreme Court, it will not only approach this matter objectively and analytically, as it would, but also that it will declare that this legislation is invalid. I notice that members opposite go a bit quiet when we start to talk about that process. The unfortunate thing is that there should be no need for it.

A few weeks ago we asked the minister whether he had obtained advice from the Solicitor General in relation to the legal validity of this legislation. I recall the minister thinking very carefully about the words he would use to answer that question, and his words were carefully chosen. However, there is still no indication of whether the Solicitor General has given total and unqualified support to this process as being a valid, workable and meaningful way of achieving this particular legislative change. It is our firm view that the Electoral Distribution Repeal Bill 2001 is invalid. It is our view that this legislation, combined with the Bill that we dealt with only a week and a half ago, amount to nothing more than an attempt to subvert the process of Parliament by introducing two separate Bills instead of bringing in one simple piece of legislation, as I described earlier on, to change the Electoral Distribution Amendment Act 1947. That is what the Government wants to do: it wants to change the provisions in that Act. As I said, with just two pages and two lines of amendments, it could have done that. The Government could have brought the Bill that I am holding here in my hand - we even gave it a name: electoral distribution amendment Bill 2001 - into this Chamber; it would not have needed to bring in two separate pieces of legislation. However, we know the reason that it did not do that; it is that it would require an absolute majority in the upper House. It would require the Premier to stand by the principle that he supported before the Commission on Government: the principle of entrenchment. It would require the minister to keep his mouth zippered up and not challenge the Premier's position on the matter, because that is what we have seen. We have seen the minister and the Premier at loggerheads over two key matters of principle. I have to say that I support the Premier on this one. The Premier went to the Commission on Government and said very firmly that there should be entrenchment in relation to these matters. On 18 November 1996 the Labor Party, under the banner of the then Opposition leader Dr Geoff Gallop, said, "Take one vote, one value, put it in the Constitution and go to the people with a referendum to get their approval for that matter to amend the Constitution." The Premier is on the record in the Commission on Government as supporting all these processes.

The Minister for Electoral Affairs refers to the process of entrenchment as a barnacle on the keel of progress. This flimsy piece of legislation does not explain why the Government is making these changes in this way, why it is trying to thwart section 13 of the Electoral Distribution Act, or why it has not at least included an entrenchment provision in the current provisions. There can be only one reason for this.

It is difficult to do the modelling. However, the Opposition has an idea of how many seats the Labor Party must believe would come its way if this legislation were passed. It will be passed at the expense of country Western Australia, including those people represented by the eight country Labor Party members in this Chamber. The Independent Labor member for Pilbara has at least stood on principle and indicated he will oppose these changes because he will stand up for his community. However, the Premier is not prepared to give his country members a free vote. None of the eight country Labor members has provided us with one benefit for their electorates if this legislation is passed.

The final principle I will leave with members is the overriding principle in this Chamber that we are elected by the people in our constituencies. We are put in here by a democratic process of government. Although we may not agree with all the detail, we are put in here by the best system in this world. The eight country members on the government side will not live up to their first responsibility, which is to represent the people who elected them.

MR MASTERS (Vasse) [5.11 pm]: It is difficult to know where to start because this debate has been so full of half truths, distortions and downright untruths - I am not allowed to use the word "lies". Although I am pleased

to see that the Treasurer is present, for most of the time that the Deputy Leader of the Opposition was on his feet, there was a maximum of two ministers in this place, one of whom was interjecting on ideological grounds without worrying about the detail or impact of what she was saying.

Mr Johnson: Her mouth was running ahead of her brain.

Mr MASTERS: The member for Hillarys is correct. The other minister who was present during that speech has no involvement in this issue and commendably, was working hard on his notes.

It is important to repeat some of my concerns about the whole process of electoral reform. It is true that previous Governments were elected under gerrymanders. In 1989 the then ALP Government was re-elected under a gerrymander that it had engineered by deliberately manipulating electoral boundaries. It made sure that it had in place certain controls and influences on the positioning of urban land so that voters either Liberal, Labor or those with split voting intentions would move into various seats. Because of those various contrivances in 1989, the ALP Government of the day was re-elected with a two-party-preferred vote of under 48 per cent - I believe it was 47.7 per cent. That meant the Liberal Party would have scored 52.3 per cent on a two-party preferred basis; yet because of the gerrymander it lost the election. The Labor Party is a political party that has no real problems with gerrymanders, because the last time it was in government it orchestrated a gerrymander to suit its purposes.

The next issue relates to the partially false claim that the new Government has a mandate to go ahead with its version of electoral reform. The truth is that the only mandate the people of Western Australia gave on 10 February this year was to remove the Liberal-National Party coalition from government. The primary vote for the Australian Labor Party increased by less than two per cent. Electoral reform was not a major electoral issue in most areas in Western Australia. Most people who voted on 10 February would not have given any consideration to whether electoral reform was a major issue deserving of their attention. On that basis, and repeating my earlier statement of a few weeks ago that Oppositions do not win government, Governments lose government, it is clearly false and misleading to state that the current Government has a mandate to press ahead with electoral reform.

We have talked previously about the principle of one vote, one value. Most people on this side of the House agree with the principle of one vote, one value. However, we are not saying that principles should be applied blindly without thinking about the consequences of the application of those principles; instead we are talking about the outcome of one vote, one value. In other words, it is not the process that is important in this debate; it is the outcome of that process. To support me in that, I refer to the Government's legislation which, in effect, states unequivocally that the principle of one vote, one value will be distorted in those four large rural seats of Western Australia in which the tyranny of distance will have the most impact - Kimberley, Pilbara, Gascoyne and Kalgoorlie. In other words, the principle is corrupted in the legislation that the Government has put forward. The Government acknowledges that. The Opposition acknowledges that, but is also saying that the corruption of that principle of one vote, one value is desirable, understandable and acceptable. It was accepted by Trotsky, one of the founders of the Communist Party over 100 years ago. The reason is because the outcome is important. The Opposition believes that the outcome of one vote, one value must be applied to more than just those four seats in the north and east of Western Australia. Clearly it will be impossible to represent adequately 12 000 or 13 000 electors who are spread throughout an electorate of 1.4 million square kilometres, which will be the case when the new seat of Gascoyne is created.

The principle of one vote, one value is a wonderful principle, but the reality is that for the most part, we are pragmatic politicians who want to ensure that the outcome is best for the electors of Western Australia. That is why the Australian Labor Party Government is prepared to compromise the principle of one vote, one value in the four most remote seats, and why the Liberal Party wants the principle modified to ensure a proper outcome from the application of that principle throughout rural Western Australia, including the agricultural area.

I once again congratulate the member for Merredin who stood in this place some weeks ago and talked about the new gerrymander that will come about if the legislation is passed and when it is applied. He provided a plausible series of arguments to indicate that, when this new legislation is in force, most country seats in Western Australia will inevitably increase by 10 per cent. He said that would happen because they are seats in which the population growth is either zero or negative and because the plus or minus 10 per cent vote weighting enshrined in the legislation can be applied to any seat in Western Australia. In other words, instead of a median value of 22 000 electors per seat, it will be 22 000 plus 10 per cent; that is, 24 000. That will happen in the knowledge that in the following four to eight years prior to the next redistribution, the population base will remain essentially the same or contract only marginally. Conversely, because the populations in the fast-growing areas of the State - primarily centred around Perth and the metropolitan area, Mandurah, my electorate of Vasse and

the Bunbury region - are anything but stagnant or negative but are instead positive to very positive, inevitably a plus or minus 10 per cent variation applied to those seats will be a minus 10 per cent variation. Therefore, instead of a median value of 22 000 electors per seat, an overwhelming majority of those seats will have 20 000 electors. The logic for that is that in four to eight years, after the setting of those electoral boundaries, those seats will have increased in population so that they will have roughly the 24 000 voters to make up the required number of electors in those seats. At the next election, a clear majority of seats - potentially two-thirds - that make up this House of the WA Parliament will have a smaller number of electors than the so-called average of 22 000 and a small but significant number of seats in regional Western Australia will have well over the limit of 22 000 electors. The Australian Labor Party knows therefore that a gerrymander will arise as a result of the application of this new legislation and it is disappointing that the media does not understand that. Based on information provided to me, the redistribution of seven or eights seats from rural Western Australia to Perth and the metropolitan area will result in the ALP having a notional majority of seats at the next election of somewhere between eight and 12 seats, as opposed to its current majority of six seats.

It is worth repeating that the Minister for Electoral Affairs is opposed to the possibility of two new upper House members, as requested by the Greens (WA), because of the additional cost involved. My calculations indicate that a member of Parliament in both lower and upper Houses of this establishment costs taxpayers about $400 000 a year. The Greens have therefore asked for an additional burden on taxpayers of around $800 000.

However, one must consider the additional services that would be required for four seats in the remote areas and four geographically large seats in the agricultural areas of Western Australia that would be created as a result of the application of the one vote, one value principle. Those eight seats would require extra staffing, extra offices, increased air fare allowances, higher postage and phone bills, a second car or much more motor vehicle usage than in the past and so on, to allow those eight members of Parliament to effectively represent their constituencies. The Minister for Electoral Affairs has indicated in previous speeches that he expects the electronic revolution of the past 10 to 20 years to provide technological methods for members of Parliament to ensure that those people living in remote and agricultural areas of Western Australia receive fair and adequate representation. I estimate those costs at between $100 000 and $200 000 per seat. If one multiplies that by eight, well in excess of $1 million would be needed to provide those additional services to those eight members of Parliament so that they can better represent their electors in a new Parliament with geographically much larger seats. There will be costs whichever way this legislation goes. Electors in those areas will pay a price even with the most modern telecommunications in the world. There will always be a need for members to meet face to face and look eye to eye with their constituents and for their constituents to look eye to eye with their members of Parliament. The requirement for extra funding will be one consequence, but another consequence will be a reduction in the quality of representation because of the tyranny of distance. No matter how good a member of Parliament is, that representation will not be at the same level of effectiveness as it is currently.

The Minister for Education claimed that a gerrymander of the sort referred to by the member for Merredin would never happen. It is a little like the Royal Automobile Club advertisement that says: "It will never happen." As I pointed out in 1989, there was a carefully and secretly orchestrated gerrymander by the ALP Government at the time that ensured the position of electoral boundaries and a site location of urban development which occurred in such a way that favoured the incumbent Government of the day. Those benefits lasted only another four years because, as members know, the Liberal and National Party coalition was returned to office in 1993. However, a gerrymander did happen at the 1989 election. If I assume that the Minister for Education is genuinely concerned about the possibility of a gerrymander referred to by the member for Merredin, he should wait to see what happens. It will happen and when it does I hope he repeats the concern he expressed some weeks ago.

I refer briefly to a media release issued by the Minister for Electoral Affairs on 23 August.

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

Mr MASTERS: In that media release, the Minister for Electoral Affairs referred to Mr Trenorden, and said -

> "He says that's too hard and country people will be disadvantaged. Perhaps he should speak to the Member for Wanneroo who presently represents over 39,000 electors due to the vote-rigging in country areas.

If that is not a deceitful statement, I do not know what is. Anyone with a little pinch of honesty will know that the seat of Wanneroo has suffered extreme population growth over the past eight years. It has nothing to do with vote rigging in country areas, a gerrymander or any action on the part of the previous Government that resulted in 39 000 electors in the seat of Wanneroo. The reality is that the next electoral redistribution under the existing laws would have solved the problem in Wanneroo next year. By the time we got to the election in presumably

2005, applying the minus 10 per cent vote weighting I mentioned earlier, the end result would almost certainly be two seats representing the current seat of Wanneroo. They would probably both average 20 000 to 21 000 electors. In other words, it would be a gerrymander, as was pointed out earlier by the member for Merredin and me, but the gerrymander could be defended on the grounds that it would give an equality of outcome even though the process might seem a little flawed. The outcome would be that in those two new seats that would be created, both of which would presumably still suffer very high population growth -

Mr Johnson: Only one would.

Mr MASTERS: One at least would increase in size to an average-size electorate of 25 000 electors by the time the 2009 election was upon us. The Minister for Electoral Affairs claims that electoral distortion is as a result of vote rigging in country areas. That is complete poppycock. The minister should be ashamed of trying to con the people of Western Australia into believing that.

The bottom line is that the Government knows exactly what it is doing in this situation. It knows that because it has the potential ability to get this legislation through the upper House, and certainly with the opportunity to get it through this House, one vote, one value will be applied according to its formula in time for the next election. I can interpret that in only one way. It has nothing to do with equality of representation, but is all about electoral outcomes for the Australian Labor Party and its ability to win more seats at the next election and, therefore, to stay in government for longer than might otherwise be the case. In particular, it is a slap in the face for all country people. The ALP is saying that after the one vote, one value redistribution, there will be only 15 seats in rural Western Australia and 42 seats in Perth and the larger metropolitan area, including Mandurah. As has been pointed out by other speakers, that effectively means that the ALP will not need to win one single seat in rural Western Australia in order to claim government.

Mr McGowan: We do not have to now.

Mr MASTERS: It would be far more difficult to do it now. Once we go from the current situation to that which would apply at the next election, it would be that much easier for either party to claim government in spite of not winning a seat in rural Western Australia. It is the first clear indication that this Government has basically written off rural Western Australia. The real proof of the pudding will come on Thursday when we come to the budget. The deliberate leaks and information falling off the backs of trucks that we have received in the past couple of weeks clearly indicate that rural Western Australians will feel significant long-term pain because of the new Government's need to channel more and more - I might say a disproportionate amount - of taxpayer resources into the Perth metropolitan and associated electoral areas at the expense of country Western Australia.

Let me briefly remind members that the first leak that occurred a couple of weeks ago was that at least in either south west Western Australia or rural Western Australia in general there would be a $25 million reduction in the rural health budget. As part of that, the Vasse-Leeuwin Health Service, which provides services to Busselton District Hospital in my electorate, will lose almost $1 million. Only last week I heard another bit of information that fell off the back of a truck. It was that the mental health unit in the south west, which I believe is at least partially based in Busselton and Bunbury, will lose $500 000. I do not think that the $500 000 is associated with the $1 million coming out of the Vasse-Leeuwin Health Service. I believe it is an additional $500 000 which is part of the $25 million overall reduction in the rural health budget.

I have been told by people who should know what they are talking about that the $500 000 reduction will mean that in the member for Warren-Blackwood's seat, the mental health services that are currently being supplied to Augusta and Margaret River will be killed off completely. People who need mental health services will either have to travel a significant distance to Bunbury or Busselton to access the service or - this is far more serious - they will have to put their names onto the end of an ever increasingly long queue of people needing to avail themselves of those services. The $500 000 means that not only the people in those areas where services are being withdrawn will suffer but also the people who would otherwise have benefited from the mental health services overall will suddenly find more people needing more assistance with fewer resources. The whole of the south west will suffer as a result.

I am sorry that the Minister for Health is not here. I previously congratulated him on the Community Drug Summit. I said that I thought many groups and many individuals in our community thought that the Community Drug Summit delivered the sorts of recommendations that the Government and the community as a whole wanted to hear. Only a few weeks after the Community Drug Summit I have heard that local drug action groups will suffer financial cutbacks.

Ms Sue Walker: That is disgraceful.

Mr MASTERS: Yes, it shows how hypocritical the Government is in saying on the one hand that it will have the Community Drug Summit so that it can find out what the solutions are and, on the other hand, withdrawing funding to local drug action groups. I have been told that at the moment there are four different areas in which a local drug action group can work. Each one can attract funding of up to $3 000 making a total of $12 000 per year per local drug action group. I am now told that the total amount of funding for each local drug action group across those four areas of activity will be restricted to $3 000.

Ms Sue Walker: The Government members should hang their heads in shame.

Mr MASTERS: I agree. That is a 75 per cent cut in funding to local drug action groups.

I will give a final idea of how this Government is already showing its lack of respect and consideration for country people. The Australian Labor Party candidate against me in Vasse at the last election made an electoral commitment that there would be a $1 million increase in funding to the PAT scheme. Many members on the other side of the House may not know what PATS is because their electors do not have to travel far. Country members of Parliament will know that PATS stands for the patient assisted travel scheme. Even in my electorate, which is a distance of only 250 to 300 kilometres from Perth, many people suffer very significant financial constraints because of the travel and accommodation costs they must bear while, for example, one or other of a husband and wife team is undergoing chemotherapy or some other treatment. The ALP promised in opposition that there would be $1 million extra. The minister has consistently said that the Government is having a review, that some items will appear in the budget but the Government will certainly have a revised scheme by the end of the year. Effectively, that means that all the people who expected that that extra $1 million would be spent within a few days or a few weeks after the new Government had been elected had their hopes dashed.

Mr Hyde: But they voted for you. Did you match that promise? Do you have to deliver on it?

Mr MASTERS: That interjection shows how irrelevant the member for Perth is - I guess it is because he is a member for Perth. The previous Government and the previous minister conducted a review of the PAT scheme. The reality was, as I understand it, that after the election there would be a significant increase in PATS funding to allow people from country Western Australia to receive greater benefits from the PAT scheme. This Government has delayed its action on its promise. I have no doubt that there will be an increase in PATS funding after the budget, or after the review has been completed. However, it will take almost a year for that increase in funding to come into effect. Therefore, the Government will have an extra $1 million that it can spend on city voters to say "thank you" and try to butter them up to get them to vote for the Australian Labor Party at the next state election, when country seats will be largely irrelevant.

The Minister for Electoral Affairs might like to know that recently, I saw Alf Bussell, who is well known to many people in this place and has a photographic memory. Alf told me that in 1990, he met Sister Cabrini, one of the minister's teachers at Bunbury Catholic College, who told him that Jim McGinty was a naughty spoilt brat. The reality is that this naughty spoilt brat has got his hands in the cookie jar and no-one else is going to get at it.

I conclude with a quote from Leslie Lever, a British solicitor and Labour politician, who said -

> Generosity is a part of my character, and I therefore hasten to assure this Government that I will never make an allegation of dishonesty against it wherever a simple explanation of stupidity will suffice.

MR OMODEI (Warren-Blackwood) [5.42 pm]: The Electoral Distribution Repeal Bill proposes to repeal the Electoral Distribution Act 1947 and to amend the Constitution Acts Amendment Act 1899 by removing the provisions with regard to the number and representation of electoral regions and districts. This debate is mainly about the Labor Party's attempt to con the people of Western Australia, and to run in the community the cliche of one vote, one value on the basis that each electorate should have exactly the same number of voters. Electorates have never had exactly same number of voters, basically because the populations of electorates grow, and within a couple of weeks of such a mathematical exercise to make the number of voters exactly the same, the numbers will change. I mentioned during the debate on the Electoral Amendment Bill that the population of Wanneroo has increased to 39 000, from 24 000 eight years ago. In places like Rockingham, Busselton - the electorate of the member for Vasse - and Margaret River, the population will not remain static but will change rapidly. That will lead to distortions in numbers across the State. Everyone knows that. Therefore, I am concerned about one vote, one value.

In States that have electorates that are highly populated and close together, I can understand the need to set the same number of voters, or to set the numbers within a quota, with a rise and fall in that quota. However, when the Labor Party brought one vote, one value to the High Court, the decision talked about how the value of votes

can be affected in many different ways, and about the fairness of voting, rather than about precise mathematics for setting those numbers. The Government is proposing to have 21 000 or 22 000 voters across-the-board. In the metropolitan area, that would mean that members could walk around their electorate on a Sunday afternoon and have one local government and perhaps a couple of schools. However, in the wheatbelt, the south west, the Pilbara and the Kimberley, members would have very large electorates with a large number of small towns and a large number of schools. This debate is about a precise mathematical equation versus vast, thinly-populated areas of the State in which distance and communication are issues and people want to talk about effective representation. There are hundreds of electoral systems around the world, and we could argue for and against those electoral systems whenever we feel like it. However, the truth of the matter is that we should be talking about fairness.

We need to consider also that technology has not eliminated the disadvantages that result from having large electorates in Western Australia. I have talked to my constituents about this issue. I do not know how country members of the Labor Party justify their position with regard to having to cover far greater areas. We should be talking about fairness of representation, stable and effective government, and contact between members and constituents. I do not know about other members, but my constituents want to see me, their local member. They do not want to see a staff member or get a facsimile. As I mentioned during the debate on the Electoral Amendment Bill, at the end of the year when school presentation nights are the order of the day, people want to add a bit to that presentation night by having their local member attend.

The essence of representative government is whether the contact between the people and its elected representatives is fair. I put it to members that what we want is a fair vote, fair value rather than one vote, one value; and I think the member for Nedlands mentioned that during the debate on the Electoral Amendment Bill. We in Australia always talk about a fair go. That applies particularly in country Western Australia, where the people have great character and competitiveness, and love sport and to follow their team. These people have asked me, "If Mr Gallop wants to do this to us, what is his position on the Senate?" Most of these people are very intelligent. They understand the electoral system. It does not take much for them to work out that our founding fathers decided that the Senate would have 12 representatives from each State so that the people in the smaller States could be appropriately represented in their Legislature. That makes sense, because if that were not the case, all of the decisions that were made in Australia would be made by the people of Victoria and New South Wales. However, that is what will happen in this State under one vote, one value: all of the decisions will be made in metropolitan Perth. Many of the people who live in metropolitan Perth are of country origin and have relatives or friends in country areas whom they visit, and vice versa. It is only fair that this legislation be put to a referendum to let those people have their say. What does the Labor Party fear? Does it fear the very people whom it represents in the metropolitan area? Talk about pest control! The Government will need to reintroduce DDT, because there will be too many pollies in metropolitan Perth! In many electorates, members will represent fewer people than they did in years gone by.

Mr Johnson interjected.

Mr OMODEI: Exactly. The local government councils of Stirling, Wanneroo and Melville have councillors who represent more people than do their state members of Parliament - and they are paid a pittance to do that! So it begs the question: should there be this stupidity that the Labor Government is talking about of loading up fast growing areas with the quota, and downsizing areas in country Western Australia where the population growth is slow or static? When I talk to my constituents about Dr Gallop's one vote, one value they say to me that maybe when their telephone works properly, and when their computer works the same as their cousin's in Perth, they will support one vote, one value. They also talk about radio reception; in downtown Augusta, people can get only the ABC, and they are even lucky to get that. Sometimes when people travel between Augusta and Nannup, the damn reception drops out.

Mr Hyde interjected.

Mr OMODEI: I will ignore the nonsense.

My constituents also talk about access to equitable health facilities, and allied health. The member for Vasse has just told us what is happening in his electorate. The same thing is occurring in my electorate, and I will raise it in the budget debate. I have been informed that the budget for the Warren-Blackwood Health Services will be cut by $1 million. That organisation has not been told about that. What will happen to the people with a disability who need physiotherapy, occupational therapy or speech therapy? Will those people be treated on the one vote, one value basis? Will they be treated in the same way as the person in downtown Perth, who can catch a bus or a taxi and be at the best possible health care in the world within 15 minutes?

My constituents also ask if they will get access to equitable educational support under the one vote, one value system. There are heaps of towns in country Western Australia that have only a primary school or a district high school. They have to travel hundreds of miles to get an education equal to what is available in metropolitan Perth. They also want to know about things like sports facilities and training. Most of the sports facilities in country WA have been built by the people who use them. They are built by the people who grow crops, raise funds, and sell lamingtons to build sports facilities that in downtown Perth are taken for granted. In Joondalup, a state-of-the-art swimming pool has all of its original and ongoing costs covered by the Government. In downtown Bunbury, and in downtown Margaret River, the cost is borne by the ratepayer. Is that equitable? My constituents are asking if the children who are gifted hockey, netball, basketball and football players will be able to get to training. I had to find a sponsor to give $1 000 to a young guy from Boyup Brook so that he could train with the state schoolboys. His family could not afford it. In downtown Perth, the clubs are of such a scale and size that people can raise money at the drop of a hat.

My constituents are saying to me that when we can get all of these things that I have mentioned they might accept one vote, one value. Last week someone driving on the Muir Highway was killed when their car ran off the road. Improvements to that highway had been scheduled for seven or eight years, but they have been taken off the agenda. My constituents are saying that when all those facilities are available to them they will accept one vote, one value. Is that not a fair call? That is what is happening. The ordinary people in my electorate are saying to me, "Tell Dr Gallop that I want to know what he will do with the Senate." We know what he will do with the Legislative Council, and I will come to that. When people in country WA are treated the same as people in the city, then we will cop the mathematical equation if that is what the Government wants to impose on us. The truth of the matter is that this is not about a straight mathematical equation of having exactly the same number of people in every electorate. It is about political advantage. That is what it is about. No wonder the people in metropolitan Perth think this is a great thing. On the indicative maps, my electorate - talk about community of interest - will extend from the sea over near Margaret River to east of Albany; and from Windy Harbour in the north to Donnybrook in the south. I acknowledge that that will not happen to the electorate of the member for Ningaloo. He will have three-quarters of the State to try to cover. My current electorate, which has 26 schools and four local governments, will grow to about eight local governments and about 40 schools. And the people want to be able to see me! Members on the other side and some on my side who live in Perth, will be able to take a gentle stroll around their electorate on a Sunday afternoon and almost knock on every door if they want to. They could door-knock 10 times a year, because the problems in those city electorates are common problems that extend from one street to the next. The problems in country Western Australia are not common problems. There are small towns and large towns which have transport, communication, health and education problems. The problems differ greatly. When I think about my colleagues on the other side of the House, the Labor Party members who represent country Western Australia, I cannot believe that they can sit there and cop this. However, we will have to cop it, and those Labor country members should be embarrassed and ashamed that their Government has introduced this type of legislation.

I have not mentioned another aspect of the argument, which is the Legislative Council. Why is it okay to have vote weighting in the Legislative Council, the House of Lords, the gentleman's House - or the gentle ladies House, because there are a few of them up there now too - but it is not okay to have it in the lower House? We have it in the Senate and in our upper House, but it will not apply to lower House seats. There is a simple answer to that question.

An opposition member interjected.

Mr OMODEI: The upper House will retain its position purely to protect the Greens' position. Why is that? The Greens know that the Labor Party needs its support to pass this legislation. It is very simple; it is pure political expediency. Slowly but surely the people around Western Australia will understand the hoax and the fraud that the Labor Party is promulgating. When they understand that, they will vote all right! The Government might believe that it will have a gerrymander because it will win more than half of these seats and obtain government by winning seats in the metropolitan area alone. However, when the people realise what the Government has done to country Western Australia; when they realise what it has done to good, solid, hardworking Western Australians, the sort of people that this country was built on, they will get angry, and so will some of the people in the metropolitan area.

One thing that concerns me greatly in my electorate is the timber cut. We have been trying to get the minister, and the Premier, to visit the Warren-Blackwood district to make announcements about the volumes of timber to be cut so that people know where their future lies. The uncertainty down in that region is devastating to those communities. People are saying to me, "Why do you not call this guy Gutless Gallop?" I think I might start doing that. I do not want to do that; I want to work with the Government because it has made the decision to

restructure the industry down there. But then people in the industry come to me and ask: why is the Government delaying the announcement of the volumes? They came to me just last week: it is more about the electoral redistribution Bill, and this legislation that we are talking about today, than the timber volumes. That is possible.

Dr Edwards: It has no relationship.

Mr OMODEI: So it is not about the Government upsetting the Greens, and then the Greens not voting for this legislation?

Dr Edwards: It has nothing to do with that.

Mr OMODEI: Is the minister telling me that if the Government had to cut some timber in those moratorium areas, the Greens would be happy about it?

Dr Edwards: It is totally unrelated. I will talk to you after; it is totally unrelated.

Mr OMODEI: I think the minister had better talk to me.

I know that the minister is coming down to the area again, and I am really pleased about that, because at least she has come down and faced the people. However, her leader has failed to do that. I believe that the Labor Party is not making decisions on forest volumes and on restructuring the timber industry so that those communities know where they are going, because it is worried about upsetting the Greens in the upper House, who it believes might decide not to vote for the Electoral Distribution Repeal Bill. That is a theory, and I suspect that is pretty close to the mark.

The people in my area are very concerned about this. They know that their communities are dotted over large areas and have problems with distances and communication. However, they want to enjoy the representation they have under the present system. If the system needs to be reviewed, then it should be reviewed on the basis of its present population, rather than having this ridiculous proposition of taking eight people out of the country and putting eight more members in Parliament for metropolitan Perth and forcing members in the country to travel huge distances to try to represent their electorates. As I said, people want to be able to see their local member, and under this kind of legislation that will be increasingly difficult. What they want is effective representation. It will be almost impossible for country members to provide the same kind of representation that members in the city will be able give to their constituents. Therefore, I oppose this legislation.

Sitting suspended from 6.00 to 7.00 pm

MR WALDRON (Wagin) [7.00 pm]: This Bill goes hand in hand with the one vote, one value legislation. Repealing the 1947 Act gives the Government a greater chance to advance this legislation through the other place. This legislation repeals the Electoral Distribution Act 1947 and amends various other Acts. The existing Electoral Distribution Act sets out the rules for dividing the State into 57 lower House districts and 34 upper House regions. It also sets out the matters to be considered when dividing the State into districts and regions, such as community of interest, local government boundaries and physical features - all things that have been discussed during the last couple of sittings of Parliament. The Act also sets out the appointment and function of Electoral Distribution Commissioners. Section 13 states that amendments are to be passed by absolute majorities of members of the Legislative Council and the Legislative Assembly. If we amend the Act, it means an absolute majority, but this is a rather sneaky way of coming up with a simple majority being required in the upper House and it gives this legislation more opportunity to get through.

Clause 3 of the Bill repeals the Electoral Distribution Act. The explanatory memorandum to the minister's second reading speech did not seem to make any reference to the requirement for an absolute majority in both Houses. Again, I think this is a sneaky way of doing things. In effect, the Government is enacting the most extreme form of amendment, without requiring that absolute majority. The intent of section 13 is clear. It states that amendment to anything relating to the establishment of districts, regions, functions and powers of the commissioners should be enacted only with the concurrence of an absolute majority in both Houses. By repealing the Act, the Government is attempting to effect legislative amendment without an absolute majority. That is what this Bill is all about.

This Bill will repeal an Act of Parliament that contains a provision requiring an absolute majority in both Houses before it can be amended. The dubious nature of this move is amplified by the fact that it will end up affecting the voting rights of people in Western Australia, particularly country people. I do not want to go back over everything that has been said, but we are dealing with this legislation tonight to get the Electoral Amendment Bill through both Houses. That Bill disfranchises country people. I feel it is an insult to them. I will not go into detail, but the voice of country people will be greatly diminished. There is no doubt that the access to and

service from their local member, whoever he or she may be, will be greatly diminished. This legislation is not fair and equitable for country people.

Much has been said about telecommunications and how we can improve services in that area with the Internet, mobile phones and so on. They do not always work in different country areas, and we heard today that radio services are also unreliable. I am sure we will hear later this week about more services being removed from country Western Australia. That concerns me greatly. Current upheavals in the Australian airline industry could have a dramatic impact on country Western Australia if they cause air services to country WA to disappear. I wonder how some members will get to Parliament. We might be going back to the old days.

This legislation is unfair. The people of Western Australia have not been given the opportunity to digest it and to have input. They are just coming to grips with what it really means. Only when they realise that eight seats will be moved from the country to the city and not disappear, they will they understand the effect of this Bill. I have a genuine concern about what it will mean for country Western Australia. I have spoken on previous occasions about fairness and reality. We just want a fair go. When country members attend sittings in this place they cannot get out and do things for their constituents. The sittings have been extended by one week in December, when we normally attend school functions. Those things add to the problems facing country electorates. I am not criticising metropolitan parliamentarians - they work hard and have many constituents to consider.

Mr Andrews: I have 33 000 of them.

Mr WALDRON: That will change. Western Australia is a vast State with small population centres. I understand the application of one vote, one value to Albany, Bunbury and Geraldton. However, the vastness of the State and its sparse country population should be given special consideration. We must have vote weighting.

This legislation is sneaky. I do not agree that it is morally or legally correct and I oppose it.

MR TRENORDEN (Avon - Leader of the National Party) [7.08 pm]: This Bill obviously repeals the Electoral Distribution Act 1947. I thank the clerks for providing me with a copy of the *Hansard* for that year. I will quote from it later in my contribution.

The Bill also amends other Acts, including the Constitution Acts Amendment Act 1899 and the Electoral Act 1907. It refers to the distribution of seats, with 57 seats in the lower House and 34 seats in the upper House, the division of seats and districts and the removal of regions from the upper House. The Government is indulging in sleight of hand. It is avoiding section 13 of the Electoral Redistribution Act by removing the need for the support of an absolute majority of members in both Houses to pass amendments, and obviously we are worried about the impact that move will have on the Council.

After long speeches about the absolute necessity of getting the President's vote involved in the Chamber, when the minister found that he could use this procedure, it was no longer a driving force, and just a matter of expediency. That does not make me very happy about the process. Neither the minister's second reading speech nor the explanatory memorandum makes any reference to the effect of the repeal of the Act, insofar as it repeals requirements for the absolute majority in both Houses. The Bill requires less than an absolute majority, and repeals an Act of Parliament that contains a provision requiring an absolute majority in both Houses before it can be amended. As the member for Wagin just outlined, it is a total sleight of hand. It thumbs its nose at the procedures of this House and the other House, and in fact at any fair and moral activity in either Chamber. I cannot be any more blunt than that. It is an outrageous move.

To return to some comments that were made in 1947. I have some excerpts from page 2199 of the *Hansard* of 26 November 1947. These comments were made by Ross McDonald, the member for Murray-Wellington at the time, and also the Attorney General. I will not read a lot of his speech, but I can understand now where the Minister for Electoral Affairs got his second reading speech from. It actually came from the Liberal Party in 1947. The Attorney General of the time said, in reference to Kalgoorlie -

> They have, I understand, two planes per day from Perth to Kalgoorlie for passengers and mail, except Sunday, when there is one plane. The Geraldton seat is served by one daily plane, I understand; the Albany seat by a plane, mail and passenger, which leaves three times a week. In the mining and pastoral districts outside the central Goldfields district, there are air services - without going into great detail - to Esperance twice a week and to Norseman twice a week, and there is a not-to-be ignored service that covers Wiluna, Mt. Magnet, Cue, Big Bell, Reedy and Meekatharra, both in relation to direct transit to Perth and transit to Kalgoorlie, from which there is, as I have said, a service of two planes a day to Perth.

In 1947, the Attorney General of the day was pointing out that technology would save the day for rural seats. Aeroplanes flying into the electorates would solve all the problems. I find that fascinating, standing here today, when there may not be an air service tomorrow or the day after, or whenever Ansett hits the dust and regional air services become very limited. I suspect that Kalgoorlie will continue to get an air service, but we cannot say with certainty that a lot of other communities in Western Australia will have one. In fact, it is almost certain that uneconomic routes will not have a service sometime in the near future, which is a very ordinary set of circumstances. A little further on, Mr McDonald said -

> So we find that the weighting in favour of the outer districts against the metropolitan area that has been supported in the earlier days, with reasons of some cogency, is not so easy to support today. Communications were then by horse, by sea or by rail. But now the situation has been revolutionised. We framed our legislation on the basis of what Dr. Evatt has called the horse-and-buggy days; we have changed now into an era which is mechanised and provided with speedy transport by air and by modern road vehicles.

It is interesting that such an argument was being put forward in 1947. Hon Joseph Sleeman, the member for Fremantle at the time, pointed out that, in 1947 most cars were up on blocks, and there was no petrol, which was pretty obvious, immediately after World War II. Hon Frank Wise from the Gascoyne District pointed out that in 1947 it took him two days to return to his electorate. I do not make those points lightly because the circumstances have not changed much 55 years later. Robert Ross McDonald was from the electorate of Murray-Wellington, which he would have considered to be also some distance out of town.

Much debate has occurred on this Bill so I will not take up all my allotted time. However, I ask parliamentary staff to locate the last report in this House on parliamentary services because I am interested in reading where the Greens particularly have argued about services to members of Parliament. The last report on parliamentary services for this House was done by a committee on which I served in 1990, 11 years ago. To my knowledge a review has not been done since of facilities required for members.

Practices have not changed much since 1947, nor have they changed much since 1990. When the review committee met in 1990 and decided what should happen to resources for members, immediately after the reconstitution of the upper House, the main reason for the debate - the change of term from districts to regions - discussion centred around the need for a change in services. Reference was made at the time to new boundaries and new voting systems and the fact that members required more resources. Many letters were written to the Premier of the day, who decided some activity should be spent reviewing resources for members. Recommendation 10.2.1 of the review reads -

> All Assembly members to be entitled to additional assistance at a lower level than the present Electorate Officer (Level 3) to the maximum of 0.6 Full Time Equivalent (FTE) person at Level 2.

It went on to recommend that certain individual members, the Leader of the Opposition, the leader of the second party in opposition, the Speaker, the President and other people should have another full-time person in their office to assist with their added workload. It also pointed out that members of the Legislative Council had a lower workload and should therefore have a lower level of support. In fact, the committee argued that the staffing level should be 0.4 of an FTE at level 2. It also referred at some length to the fact that upper House members had large areas to cover so they should have joint electorate offices rather than individual offices.

If these Bills are passed in this House, I hope a review will be undertaken of members' resources, which the minister has spoken about. I hope that the minister will not review the issue on a party political basis to allow members in the upper House to run a party line but that he will examine carefully who does the work in our two Houses and what is required to support those members. Even though this report of the 1990 review was not tabled or completed because of an election in 1991, it points out that electorate offices are for service to constituencies, not political parties. Those rules are very clearly established in the guidelines under which we work in this House, as should be the case.

If members are to work in these proposed substantial electorates that the minister is forcing upon us, we need the capacity to support members and constituencies, not political parties which may wish to use their electorate offices and staff for political purposes. I hope the minister will make a commitment to undertake a review, although I do not expect it will arise from this debate because it is not directly related to it. I would need to revisit the report to ensure that my memory is correct. I state that I have a vested interest, as I was a member of the committee. However, the process should be open. The Salaries and Allowances Tribunal is an open, non-political and non-partisan body. It could be given responsibility for determining the resources. We in this Parliament should not take control of that and further lower the perception the community has about us. We run that risk, and I do not want that to happen. The Greens (WA)'s position is outrageous. They support a process

that would provide them with resources to enable them to run a party political rather than a constituency-support platform in the upper House. I think the minister will reasonably accept the proposition that if these Bills are successful, the process for determining the distribution of resources should be independent of members. The Salaries and Allowances Tribunal would be an appropriate body. That responsibility is currently vested in the Department of the Premier and Cabinet. The process needs to be independent. I would not mind if it were open and people were able to make submissions; but I would be very concerned if it were done on a political basis. The public already believes that that is how our salaries and superannuation are determined.

I will not speak any longer. I spoke at length during the debate on the previous Bill. This is a functional Bill that uses sleight of hand to achieve the Government's goal. It seeks to amend by a simple majority a provision that should require the support of an absolute majority. It is an amazing set of circumstances.

MR McNEE (Moore) [7.21 pm]: I was wondering whether I ought to address this rotten piece of legislation. It is the same stinking deal. The Minister for Electoral Affairs laughs, and the member for wherever but who lives in Cottesloe giggles with him. It is not a funny issue in my electorate. It is a stinking deal. This legislation is before us because the green branch of the Labor Party will not allow the President in the other place a deliberative vote. We have second best.

I wish my constituents were getting second best out of this grubby little Government. Of course it wants to tax home owners; government members are still living in rented houses. They will never have million-dollar houses. They do not understand. They could not begin to understand what it is like to live in the country. They come from the offices of union thugs. They have been bashing the hell out of rural people forever. Why should we expect them to treat rural people with any decency? The Treasurer said today that those who can afford to pay will pay. I want to know who they are. I was at Newdegate last week with one of my colleagues. How will the people of that town pay? They would be classified as rich by the Labor Party, which is about to take away their voice through this grubby little operation that only it could come up with. Strange as it may seem, I can find no-one in the metropolitan area who is breaking his neck to achieve it. I do not know from where these people expect to get their support for such a measure. I look at this Bill and others that are pending and wonder what the Government stands for.

It has nothing to do with equality of votes. How can the member for Ningaloo represent 56 per cent of the State? Worse than that, what about dummy votes? That term is appropriate for members of the Government. Could anyone believe that the Labor Party would talk about equality of votes - the Minister for Electoral Affairs thinks it is funny. He will not think it is funny after the next election when he must look for a new job. How could this legislation have anything to do with equality? Imagine trying to explain that.

Mr Johnson: It is unfair.

Mr McNEE: It is totally unfair, and it will rip the guts out of the country. People in the bush are already saying that they will be glad when this bunch loses Government; it is like a nightmare. The problem is that this Government will leave a terrible trail of disaster in the wake of that nightmare. I wonder about the members of Parliament who like to think of themselves as country members. They have been hogtied to this rotten piece of legislation and they are not willing to move on this issue. The members for Bunbury, Collie and Eyre have walked away from their constituents. The member for Eyre told his constituents that he would oppose this legislation.

Mr Bradshaw: It is called being two-faced.

Mr McNEE: Who cares whether it is two-faced or triple-faced?

Mr Bradshaw: In the Chamber, the member for Eyre says one thing, but outside he says another.

Mr McNEE: Absolutely. My constituents would not cop it if I told them that I would oppose something and I then turned around and said that it was all a bit of a joke and that I meant to do it in the party room. The Labor Party does not allow free votes because this legislation is about keeping Gallop in Government. The Labor Party has the cheek to lecture us on how to look after finances. The Government would not know the first thing about it. The Labor Party could not be trusted with monopoly money.

Mr Johnson: They said that they had fixed the books. I think they did that in the 1980s!

Mr McNEE: They fixed the books during the time of WA Inc. Remember the Premier -

Mr Bradshaw: How did he leave the State Government Insurance Commission?

Mr McNEE: He left it broke. Can members remember what we were told about the financial position of the SGIC? Can members remember what we were told about the $50 that we had to pay? Can members remember who the minister concerned at the time was?

Mr Bradshaw: I can remember.

Mr McNEE: The member for Murray-Wellington can remember. It was the man who now parades as the Premier. I do not believe that the Premier has any more ability now than he had then. He has already shown us what he can do and he will show us again what he can do when he brings down the state budget, make no mistake about that. The Government has the cheek to talk about rural people and what they should get. How can the Government reasonably leave only three or four members to represent the rural areas? I cannot recall how many members will represent the city.

Mr Johnson: There would be another eight.

Mr McNEE: How many city members would that total?

Mr Trenorden: Forty-two members.

Mr McNEE: Forty-two city members! How many country members would there be?

Mr Johnson: It would leave 15 country members.

Mr Trenorden: Fifteen. That is why they will take $10 million from our roads, $25 million from health, policemen out of your electorate and mine, and will shut down education.

Mr Bradshaw: They will not care.

Mr McNEE: They will not give a stuffed rabbit. The Minister for Electoral Affairs has the temerity to talk about equality - that we will all be equals! Labor Party members believe in their hearts and souls that if they took everyone's money and distributed it around, everyone would be equal. I can tell members that within a week, some people would have it back and others would have lost it, because everything cannot be equal. People are not equal - they were not born equal, because it does not work that way. The Minister for Electoral Affairs wants to force on us something that he calls equality. We have just examined the figures. It is absolutely unbelievable! The people in the electorates of Moore, Avon and Wagin might as well stay at home because they will not have any influence.

Mr Trenorden: What happened with Indian Ocean Drive?

Mr McNEE: Indian Ocean Drive! That is another drama. I am told that about $20 million worth of projects are under severe scrutiny. The Government has the money, but the Minister for Planning and Infrastructure does not want to believe it. Good luck to her. If I were an investor, I would be happy.

Mr Trenorden: I was just talking about the Tom Price-Karratha road.

Mr Sweetman: It was $100 million for a shocking road.

Mr McNEE: That would not surprise me. I am afraid that I cannot find anything worthy in this legislation. As I have said before, members opposite hawked it to the High Court and lost! Was that not McGinty and Gallop? They lost. Their desire for one vote, one value is a passion. If they cannot get it here, they will get it there. They have this passion which they claim the Labor Party has had for 100 years or so. That is supposed to justify it.

Mr Bradshaw: Because they hate country people.

Mr McNEE: Of course they do! There is hardly anything left standing in my electorate. Indian Ocean Drive and the lime sands route have gone.

Mr Trenorden: What is happening with the Moora hospital?

Mr McNEE: I am waiting with bated breath for "I cannot confirm or deny, but wait until Thursday". I wonder whether they will confirm or deny that Thursday is coming?

Mr Bradshaw: I can tell you what Moora hospital will get on Thursday - zero.

Mr McNEE: I can tell everyone what it will get all right, along with whatever else rural people get from this Government. We have had it before. I was here when the jackboots local government minister marched through local government.

Mr Dean: Was that Paul Omodei?

Mr McNEE: No, it was a Labor bloke, do not worry about that! It was that little jackboot boy. He came from down south somewhere and marched through local government. I suppose that too was in the name of equality.

Mr Trenorden: It was; it was one vote, one value!

Mr McNEE: Yes, one vote, one value. Can anyone tell me whether that improved local government?

Mr Bradshaw: Not at all. When only 10 per cent of the people vote, what does one vote, one value mean in local government?

Mr McNEE: It does not mean a thing! These people are determined. They do not care about the future of rural Western Australia. However, they do care when they want some tax, because they rush out there and tax the eyeballs off it. Members should make no mistake about that! However, if a policeman, schoolteacher or hospital is wanted, that will be a different matter. The local hospitals tell me that they are now operating on some crazy system in which they do not seem to have a budget.

Mr Bradshaw: Hand to mouth.

Mr McNEE: I could not believe what some of the hospital people were telling me. I thought they must be making a mistake. The member for Murray-Wellington has heard the same. It is hand to mouth and it is a fair distance between the hand and the mouth. That is a crazy form of equality! As the member for Avon said, metropolitan members can walk across their electorates. As I have said before, it takes me between 45 and 50 minutes in a twin engine aircraft to fly from one end of my electorate to the other, and between three and a half and four hours to drive that distance. Of course, it will be all right soon because there will be no police around and no-one to stop me so I will be able to speed like crazy. I guess that I will then probably remember the lessons that the police have taught me over the years when I have sped and been caught and I will slow down!

The Government has absolutely no understanding of this matter. People who have walked with them will live to pay the penalty. I will not be supporting this piece of lousy legislation. It has all the hallmarks of this grubby little Government that has no other interest in Western Australia than to stay in power. It has accused members on this side of believing that we are born to rule. Well, members of this Government are not actually born to rule, but it will change the rules to make sure that it can rule. It will wipe out the rural areas and leave them to stagnate.

Mr Bradshaw: At least the current system is fair and Governments change at the whim of the people. Under the new rules, Labor will stay in power.

Mr McNEE: Of course it is fair, because Governments do change. People give an indication that they are about to elect a new Government and that is what happens. Governments change and there is nothing wrong with that; I support that because not all Governments can govern. However, if this legislation is passed, that opportunity will no longer exist. Just imagine what this tricky little bunch opposite could get up to with gerrymanders, not only this time, but also when there is redistribution. Madam Acting Speaker will probably find that her seat has been diminished to a marginal seat because that is what this Government would like to do. This Government has no interest in good and fair government. It does not understand it. It does not know what is fair and on that basis, I am not prepared to support this piece of rotten legislation and I do not think any member on this side worth his salt should do so either.

MR BRADSHAW (Murray-Wellington) [7.37 pm]: I also oppose this piece of poor legislation. It is poor because it downgrades the quality and the value of country people in Western Australia. What people have to realise is that the wealth of this State comes from country people. However, the Government says that that is just too bad; we should have a one vote, one value electoral system. The fact is that minority groups will be ignored under these proposed changes. As was pointed out, if this electoral legislation is passed, there will be 15 lower House country seats compared with, I think, 42 metropolitan seats. It will be a bit like a Federal election - everything will be over by the time the polling booths close in Western Australia. Country population numbers are so insignificant that Governments of all persuasions tend not to worry so much about them and that is a disgrace.

The second reading speech referred to districts and provinces. One of the problems with electoral reform in the 1980s - I use the word "reform" advisedly because reform should mean improvement - was the change from electoral provinces to electoral regions in the upper House; it was a grave mistake. At least with the electoral provinces the areas were small and constituents could readily identify with their upper House members and get close to them. The South West Region, for example, now goes from the electorate of Rockingham to the electorate of Albany. How can anybody be associated with an area of that size? When I was first elected in 1983, the south west province took in the electorates of Bunbury, Vasse and probably Collie and the member

could have a relationship with people in that area. However, under the new system, the South West Region goes from the border of the Rockingham electorate to the Albany electorate and it is very difficult for the upper House members in that region to associate with and relate to the people in that electorate.

We had those changes back in the 1980s, which was a disaster. It has never been quite the same and we have lost contact with those people. The Australian Labor Party is so impressed with the system in this legislation that its two upper House members do not even live in the electorate. They both live in the city. Under the old system, upper House members at least lived in their electorate. Now that does not matter to the ALP. It knows that two to three of its members will be elected to each region. Its attitude is what the hell does it matter where they live, if they are party lackeys they will get endorsement and, bingo, they will be elected. Those members who represent the Labor Party in the south west are not country people. At least the Liberal Party has the belief that members who represent the south west should live there and be selected from south west people. Hon John Cowdell and Hon Adele Farina represent the Labor Party in the south west but where do they live? They live in Perth. They could not care less about the south west.

Ms Quirk: Hon John Cowdell lives in the electorate.

Mr BRADSHAW: He has a unit in Mandurah but he lives in Perth and his heart is in Perth. However, because he needed a seat, he got the nod from the Labor Party for one in the south west because he had been a good Labor lackey for many years. Hon Adele Farina rolled up to the Shire of Harvey the other day - she managed to find it - to present a cheque. But there was a problem - the cheque was in the mail.

Ms Sue Walker: Did she put a stamp on it?

Mr BRADSHAW: I am not sure. That is a good question: who put on the stamp? It was interesting that she turned up to present a cheque that was in the mail. I did not attend the function nor was I in the shire when she arrived there. I read in the paper that she came to present a cheque that was in the mail. That is how much the Labor Party cares about the south west. Its members do not live there. Members opposite may say that Hon John Cowdell lives in Mandurah. I say that is hoo-ha. He may have a unit or an address down there but he lives in the Perth area.

Mr Barron-Sullivan: The people in the South West Region do not know what their new member looks like. I attended a function the other night and someone said she was there but they did not know what she looked like. People said the same thing at that function in Bunbury.

Mr BRADSHAW: Yes. What the Labor Party did back in the 1980s was disgraceful and what it is doing today is disgraceful. I can refer back to 1983 because there are only two of us in this Parliament who can remember back then; one is Hon Hendy Cowan.

Mr Hyde: What has this to do with the 1899 Constitution?

Mr BRADSHAW: I am relating it to that. I remember when the former Leader of the House and the Minister for Parliamentary and Electoral Reform, Hon Arthur Tonkin, was in this place. In those days, there had to be an absolute majority to amend this legislation. I can remember Hon Arthur Tonkin threatening that if we knocked out this legislation from the upper House we would go to an early election. What happened? We had a vote in this House, where there had to be an absolute majority, and one of the ALP members did not turn up for the vote. Guess what? The Government lost the vote and lost the ability to pass that legislation.

Mr Hyde: We were still at school then.

Mr BRADSHAW: I wish I had been still at school then. However, unfortunately, we do not have much control over our birth.

Mr Hyde: This is new Labor. We do not miss divisions, do we members?

Mr BRADSHAW: I would not say that if I were the member because all of us at one time will somehow and somewhere miss a division. We are all human, as much as some members think otherwise. The proposed changes are certainly not in the interests of the people of Western Australia. As the Commission on Government has pointed out, this legislation should go to a referendum to let the people decide. It should not be the members of Parliament who decide. It is a load of rubbish for the Government to say that it has a mandate to bring in this legislation. The primary vote of the Labor Party at the state election was 37 per cent.

Mr Hyde: The same Constitution that talks about a referendum introduced a preferential voting system. You should talk about the two-party-preferred vote. That is the true vote.

Mr BRADSHAW: If we want to talk about a preferential system, by a strange quirk of coincidence the Labor Party got in by default.

Mr Hyde: If you are talking about supporting the Constitution, you should be consistent.

Mr BRADSHAW: I am being consistent. The Labor Party got into government by default.

Mr Hyde: It was legal and constitutional.

Mr BRADSHAW: Yes, but what the Government is trying to do now is not constitutional. It is interesting that when Hon Arthur Tonkin tried to change the electoral system in 1983, he believed that the Government needed an absolute majority. However, this Government believes that is not necessary.

Mr Trenorden: He was a moral person.

Mr BRADSHAW: Yes. Why did Arthur Tonkin resign from the Parliament, and possibly also from the Labor Party? If I remember correctly, it was because of the immorality of the Labor Government in those days with regard to electoral reform. He resigned on principle, something that the Labor Party does not have. Unfortunately, the member for Merredin is not here to remind me of why Arthur Tonkin did leave.

Mr Hyde: What about Phil Pendal?

Mr BRADSHAW: I can talk about Phil Pendal if the member would like. That is a different principle.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order! I remind members that they should refer to members not by their name but by their seat.

Mr BRADSHAW: I think the member for South Perth's principle was that he was not made a minister; therefore, he got upset and left. That is his prerogative. I do not stand by what he did. I think it is wrong. I am not one of those people who takes the football and goes home; and while we talking about football, I congratulate East Perth Football Club for winning the second semifinal, because it did it very professionally.

Several members interjected.

Mr BRADSHAW: I am a republican, actually. I look forward to East Perth winning the grand final on Saturday week.

The electorate of Murray-Wellington has a long history that goes back to Wellington county, which was established when the colony was first set up and was named after the Duke of Wellington. That area is now the Wellington land district, and when people buy a block of land in the south west, it is called Wellington location such and such. The indicative maps from the Electoral Commission include Collie in the area that I represent. I do not want to upset Collie people, because apart from a few who tried to beat me up a few years ago at a football match, they are probably nice people, but the fact is that the traditional electorate of Wellington may disappear. That area has the town of Waterloo and the Wellesley River area, which are also associated with the Duke of Wellington. It is wrong that the State of Western Australia may lose the history and background of the Wellington area.

I oppose this legislation. I do not think it is good for country people, because they will be ignored; they will not have the same strength and power in this House. The Labor Party has gone down the wrong path. It is doing this purely for its own interests.

Ms Sue Walker: As usual.

Mr BRADSHAW: Yes, as usual. The current system is a fair one, in the sense that if the people decide the Government should be changed, it is changed. *The West Australian* editorial that I quoted previously indicated that the Labor Party was doing this for self-interest reasons and not for the good of Western Australia.

MRS EDWARDES (Kingsley) [7.51 pm]: I oppose this legislation. The Bill that we are being asked to debate this evening is a very simple Bill. This legislation takes everything out of the Electoral Distribution Act and puts all of the provisions for the appointment of electoral commissioners and the split-up of districts into the Electoral Amendment Bill, which has gone through this House. I will talk later about the reason for there being two Bills rather than one. Essentially, the case that the Minister for Electoral Affairs, when in Opposition, took to the High Court of Australia was for sections 2A(2), 6 and 9 of the Electoral Distribution Act - the Act we are amending tonight - and section 6 of the Constitution Acts Amendment Act to be declared invalid under the Constitution Act 1889, and that there was an implication in section 73(2). The court held that those particular sections were not invalid under the Constitution Act and that there was no implication in section 73(2)(c) of that Act that electoral districts or regions throughout the State should contain substantially the same number of electors. The minister is doing now what he could not get through the High Court: he is now repealing those sections that he asked the High Court to declare invalid. The court by a majority held that those sections were not invalid. I will go through a couple of the submissions and some of the reasons for the decision.

The minister says in his second reading speech that one vote, one value is representative democracy. The High Court showed no enthusiasm for the idea of one vote, one value. In fact, one of the submissions was that a system that may work fairly in one community at one time may work unfairly in or at another - they referred to McKinlay's case - and established that there is no requirement of absolute or as near as practicable equality in the number of voters in electorates. It recognised that the concept of representative government was more flexible and subtle than the plaintiffs contended and did not involve a simple notion of one vote, one value by which all electorates are of practically the same size. No principle of representative democracy is implied in the Commonwealth Constitution.

While that was the argument presented in the submission, it was also exactly what the court held. So, the Minister for Electoral Affairs's submission was found to be wrong. The way he is amending this legislation is also wrong, and I will detail why.

The submission continues -

> A system that ensures precise mathematical equality may work unfairly against some sections of the community -
>
> The debate has clearly highlighted that a large section of the community - the majority of Western Australia - will be unfairly treated. It will lose its voting power in this Parliament. Government decisions will be based on the source of the votes - the metropolitan area. Therefore, the Government of the day will be less responsive to the needs and demands of rural and regional Western Australia. The submission continues - eg, where support for a major party is concentrated in a relatively small area. In vast thinly populated areas, such as some in Western Australia, real difficulties of distance and communication occur which may impair effective representation.

I spoke with regional local government representatives from Esperance and Kambalda, to the north of Kalgoorlie, the other day and they questioned how their local members will be able to meet with them. Members will drive long distances. There will be no direct commercial flights, so they will have to rely on charter flights. Some country members already live in the metropolitan area because it is easier to access the major towns in their electorates from Perth. This redistribution will place more pressure on country members to be based in Perth so that they have the best opportunity to access their electorates.

The submission continues -

> The need to ensure that important, distinct, areas have an effective voice in the State's government and that residents of such areas they are subject to the "tyranny of the majority" justifies differences.

That was clearly stated in the High Court case as one of the reasons vote weighting is important in those areas; that is, it gives those people a say and support in this Parliament. It went on to state -

> The plaintiffs must establish that the present relative sizes of Western Australian electorates breaches constitutional requirements.

The Minister for Electoral Affairs' approach to changing this legislation raises a grave constitutional issue and doubts about the devious way in which the Government has attempted to amend these Acts by separating the Bills. That action, particularly the repeal of the Electoral Distribution Act, is clearly in breach of all that was regarded as essential in protecting people's rights and votes. If changes are made to the way in which seats are calculated and the composition of the Parliament, they should be approved by a majority of both Houses of Parliament. The Commission on Government went further and said that if an Executive Government wanted to push through such measures, it should take the issue back to the people. It is interesting that in the case before the High Court the minister argued strongly about the words "chosen by the people". However, he is happy to disfranchise their vote and to do so without referring the issue to the people in a referendum. The repeal Bill removes the entrenchment provision. That is a devious tactic and raises grave doubts about the way this Government is operating.

The submission also goes on to say -

> The essential elements of representative government in Australia are that the representative is elected by electors, votes in Parliament, may question the government there, and informs, advises the community that elected him or her. That all is the test "directly chosen by the people" requires.

If the power of the vote of people in the country and regional areas is taken away, their votes carry absolutely less weight, and their capacity to question the Government, and to be informed and advised, is diminished. Those issues are critical to the people in the community. The Chief Justice, in his decision, basically said that, under the Constitution Act, there was a new subsection 73(2)(c), which was the provision the Attorney General

was questioning. That entrenched the fact that certain changes to the electoral system operating in Western Australia had to be determined by a referendum. Some may argue that this falls within one of those provisions, and I will leave it to the more learned members of our community to decide that. I have no doubt that this matter will go to the Supreme Court, and probably on to the High Court, because sufficient constitutional doubts exist. The second reading speech said that a number of changes to the electoral laws had taken place throughout Western Australia's history. The Chief Justice writes in his decision -

> Since the 1889 Act was assented to in 1890 pursuant to the *Western Australian Constitution Act* 1890 (Imp), the electoral laws of Western Australia had been taken out of the 1889 Act where they were confirmed for the purposes of the then new Constitution of the State. The laws relating to the distribution of electoral divisions were to be found in a number of different Acts in succession. In the 1899 Act, provision was made in ss 5 and 6 for Electoral Provinces for the election of the Council, and in ss 18 and 19 for Electoral Districts for the election of the Assembly. Further distributions of Electoral Provinces and Electoral Districts were made by the *Redistribution of Seats Acts* of 1904, 1911 and 1929; the *Electoral Districts Act* 1922 and the *Electoral Districts Act Amendment Act* 1928. The 1947 Act introduced new provisions for the division of the State into Electoral Provinces for the election of the Council and Electoral Districts for the election of the Assembly. These provisions were themselves altered by the *Electoral Districts Act Amendment Acts* of 1955, 1963, 1965 and 1975. The last-mentioned Act (the 1975 Amendment) directed Electoral Commissioners to divide the Metropolitan Area into twenty-seven Electoral Districts and to divide the Agricultural, Mining and Pastoral Area into twenty-four Electoral Districts, leaving North-West-Murchison-Eyre Area with four Electoral Districts. The "quota of electors in each area" was to be taken as the basis for electoral districts, but a margin of allowance of 10 per cent in the Metropolitan Area and 15 per cent in the Agricultural, Mining and Pastoral Area was prescribed.

The document then states that these provisions were in force when a section 73(2)(c) was inserted into the 1889 Act in 1978. The interesting way that the Minister for Electoral Affairs interprets all those changes in the history of our electoral laws is that, because there have been five Acts in the past, determining our electoral laws, it is okay, not only to make more changes, but to repeal the whole of the Electoral Distribution Act and put it into the Electoral Act. The way in which it has been done is totally improper, particularly in removing section 13, which states -

> **Amendments to be passed by absolute majorities of members of Council and Assembly**
>
> It shall not be lawful to present to the Governor for Her Majesty's assent any Bill to amend this Act, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

The minister did not win his case in the High Court to have those sections of the Electoral Distribution Act that he found repugnant made invalid, so he thought he would repeal the Act by getting rid of those sections and putting them into another Act. Guess which section he did not include? He did not include section 13, which requires an absolute majority for changes to the Electoral Act. Why was that? Does that mean that any Government can change the Electoral Act at any time without requiring an absolute majority? If so, that is disgraceful. How dare an Executive Government be arrogant enough to think that despite the fact that it did not get its own way in the High Court it could repeal the Bill by transferring the sections it preferred and leaving out that section that requires an absolute majority of both Houses of Parliament. The Government will find that the community will not accept such levels of arrogance. It will be open to any Government in the future to make changes without requiring an absolute majority of both Houses of Parliament.

Section 13 was included in the legislation to ensure that the Executive Government could not determine what happened to the electoral laws. They are the basis of this Parliament; they are what we are. At the end of the day you, Mr Speaker, members opposite and I were elected on the basis of the electoral laws of this land and we do not want Governments of any persuasion to determine for us how they will deal with it.

Surely, if an Act contains a provision that demands an absolute majority of both Houses of Parliament before something can be changed, at the very least it is incumbent on this Executive to transfer it to the Electoral Act. However, that does not suit this Government. I do not know what it has in mind for future changes, but it certainly has us wondering.

Justice Dawson in the High Court case quoted Justice Stephen as follows -

> "The principle of representative democracy does indeed predicate the enfranchisement of electors, the existence of an electoral system capable of giving effect to their selection of representatives and the bestowal of legislative functions upon the representatives thus selected. However the particular quality and character of the content of each one of these three ingredients of representative democracy, and there may well be others, is not fixed and precise."

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

Mrs EDWARDES: We are saying that the very basis for representative democracy is not restricted, as one might see. Governments throughout the world are considering many electoral changes which means that many other different methods of calculating electoral systems will come into existence. One vote, one value is rarely talked about in those changes. The direction some of the other Parliaments around the world are taking does not lead to one vote, one value. Some members referred to other countries such as Canada, which has given its indigenous population a set number of seats. Does that equate to one vote, one value? A set percentage of electoral seats to an indigenous population has no relevance whatsoever to one vote, one value.

The Minister for Electoral Affairs might think that this is the cutting edge of electoral reform. However, I have news for him. The model of geographical boundaries based on a mathematical formula is probably outdated and outmoded. I read a few months ago that South Australia was considering establishing an Internet seat for expatriates. I do not necessarily agree with that. Electoral reform has moved on from one vote, one value, yet the minister has introduced this Bill. It has been a policy platform of the Australian Labor Party for years. The ALP has referred to it since the 1970s and probably before. However, other aspects must be considered for electoral reform.

The representation of interests in the Irish Senate is an example of a different electoral system. I could suggest a range of other systems. The concept of mathematical formulas based on geographical boundaries is outdated. Mr Justice Dawson also talked about the number of different methods. He said, when referring to Chief Justice Barwick in the case of McKinlay -

> . . . no Australian colony at the time of federation insisted upon practical equality in the size of electoral divisions and the view was then plainly open that problems of communication and access in geographically large electorates outside a metropolitan area justify different numerical sizes in electoral divisions.

That is the view that we on this side of the House believe should apply in Western Australia. I continue -

> Clearly there is force in the contrary view which holds that the effect of unequal electoral divisions - malapportionment - is to weight the value of votes in the numerically smaller divisions . . . But the extra weight is only in the consequence that an elector in a smaller electorate is required to share his or her representative with a lesser number of electors than in the larger electorate. There are other ways, perhaps more significant, in which the value of a vote may be affected as, for example, where electoral divisions are defined in such a way as to allow one party in a two party system to return a majority of representatives with less than a majority of the total votes, which may occur whether or not malapportionment also exists. Disproportion of this kind may be intentionally caused by a gerrymander . . .

Members should think about the court cases on this issue that have been heard in the United States. I am saying that a number of different systems are available, not that one system is better than any other. More than one system has currency around the world. I continue -

> . . . the problems arising from malapportionment and disproportion would largely disappear if there were no electoral divisions within a State and a system of proportional representation were adopted . . .

That was not envisaged for Western Australia. A number of different systems exist.

The way this Government has gone about repealing the Electoral Distribution Act is wrong and improper, particularly because it will not transfer section 13 or an equivalent provision to the Electoral Act. That raises grave constitutional concerns, and I am sure that matter will be taken up.

Conflicts between Parliaments and Executives are not unknown. The seventeenth century, and probably earlier times, were characterised by issues between the monarchy and the Parliament. In those days, there were no political parties, Executive Governments or Cabinets. Power was essentially held by the monarchy, which was regarded as the Executive. It had the taxing powers and spent all the money and the like.

The SPEAKER: The Speaker's job was somewhat more perilous in those days.

Mrs EDWARDES: That is true. I could liken this situation to that of the good old days when kings were killed for the sorts of travesties the Minister for Electoral Affairs is imposing on this Parliament.

Mr McGinty: You are getting a bit desperate.

Mr Ainsworth interjected.

Mrs EDWARDES: The minister will fall foul of public opinion if he does not replace the entrenchment provisions contained in section 13. In the seventeenth century, tyrants and oppressive monarchists and the like were overthrown or had their heads chopped off.

Mr McGinty: The twenty-first century equivalent is what happened on 10 February.

Mrs EDWARDES: I think the Government has wrongly interpreted the 10 February election. It continues to pursue the arrogant view that the election of 10 February gave it a mandate for everything and anything. People will soon show what they feel about that level of arrogance.

It does not work. It took us eight years to learn that lesson and for the people to regard us as arrogant; however, after only six months in government, they are coming quickly to the view that this Government is extremely arrogant. This amendment to the Electoral Distribution Act will only reinforce that view. Section 13 of the Electoral Distribution Act refers to an amendment to the Act and states that it shall not be lawful to present any Bill to amend the Act unless passed by an absolute majority of the whole number. The Interpretation Act states -

> **"amend"** means replace, substitute, in whole or in part, add to or vary, and the doing of any 2 or more of such things simultaneously -

Therefore, we can do any one of those at the same time. It further states -

> or by the same written law;

Do we have two Bills before us so that the Government can get around the need for an absolute majority? Is there a view among the Executive that an absolute majority is not needed because the Government will try to reinterpret the word "amend"? The Interpretation Act states that the word "repeal" means to rescind, revoke, cancel or delete. By repealing this legislation, the Government is amending it. It is doing it in an extremely devious way by bringing forward two pieces of legislation and by not putting an equivalent of section 13 into the other piece of legislation. I have no doubt that the way in which the Government has gone about this matter will raise serious and grave doubts of a constitutional nature. With those words, the Opposition does not support this Bill.

Statement by Speaker

THE SPEAKER (Mr Riebeling): As a result of a number of speakers having raised the issue about which the member for Kingsley has spoken for some time, it is incumbent on me to give my views about the repeal of the Electoral Distribution Act and the matters raised by the member for Kingsley and others.

Indirectly through speeches in Parliament I have been asked for my views about whether the Electoral Distribution Repeal Bill 2001 requires an absolute majority at the second and third readings for it to be capable of being lawfully presented to the Governor for royal assent. The Speaker is not in a position to offer legal advice to this House. Any ruling I make on the matter is unlikely to weigh heavily on any court that considers the issue. Not by way of ruling, therefore, but as an observation and following some consultation, it appears to me that the provisions of section 13 of the Electoral Distribution Act 1947 are directed only to Bills to amend that Act, not to Bills to repeal the Act.

I have been advised that a Bill that would repeal the whole Act cannot be said to amend the Act. As a matter of policy, this House and this Parliament should not create a trammel on its capacity to legislate when none is evident and expressed in unequivocal language. It is clear that the words "amend" and "repeal" long have had different meanings. It is my view that we should not treat them synonymously.

Debate Resumed

MR McGINTY (Fremantle - Minister for Electoral Affairs) [8.19 pm]: I thank members opposite for their contributions in this debate. The advice that we have received from the Solicitor General is clear; that is, that a Bill to repeal in its entirety an Act is not an Act which amends that Act.

Section 13 of the Electoral Distribution Act 1947 is limited to Acts that amend that Act. The advice given to us by the Solicitor General is that an absolute or constitutional majority is not required for the passage of this Bill. Nonetheless, I thank members opposite for their contribution. Many members canvassed the proposed new electoral system. That is a different matter and one which was canvassed in the substantive debate held over the past month in which the issue of one vote, one value, as the essential nature of the electoral system in the Legislative Assembly, was brought forward.

Mr Barnett: Minister for Electoral Affairs, are you confident that it does not require an absolute majority?

Mr McGINTY: Yes.

Mr Barnett: Therefore, you would be confident for it to go through without a division or anything else?

Mr McGINTY: The procedure adopted for the Electoral Amendment Bill 2001, which I am even more confident did not require an absolute majority, was for the Speaker to divide the House in any event, because there was some dissension about that matter.

Mr Barnett: Why should the Speaker look after your legislation for you?

Mr McGINTY: It is up to the Speaker to do as he sees fit. That is the position in which we find ourselves. As I indicated in the second reading speech on this Bill, this legislation is part of the evolution of the electoral system in Western Australia. Bit by bit, the provisions of the electoral laws of this State - the Electoral Act 1907 - are expanded to incorporate the details of the electoral system. This Bill will do that. I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (31)

Mr Andrews	Ms Guise	Mr McGowan	Mr Ripper
Mr Bowler	Mr Hill	Ms McHale	Mrs Roberts
Mr Brown	Mr Hyde	Mr Marlborough	Mr Templeman
Mr Carpenter	Mr Kobelke	Ms Martin	Mr Watson
Dr Constable	Mr Kucera	Mr Murray	Mr Whitely
Mr Dean	Mr Logan	Mr O'Gorman	Dr Woollard
Dr Edwards	Ms MacTiernan	Mr Pendal	Ms Quirk *(Teller)*
Dr Gallop	Mr McGinty	Ms Radisich	

Noes (15)

Mr Ainsworth	Mrs Edwardes	Mr McNee	Mr Waldron
Mr Barnett	Mr Edwards	Mr Sullivan	Ms Sue Walker
Mr Board	Mrs Hodson-Thomas	Mr Sweetman	Mr Bradshaw *(Teller)*
Mr Day	Mr Johnson	Mr Trenorden	

Pairs

Mr Quigley	Mr House
Mr D'Orazio	Mr Cowan

Question thus passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title -

Mr BARRON-SULLIVAN: This Bill may be cited as the Electoral Distribution Repeal Act 2001. As the member for Kingsley and others have pointed out quite clearly, this Bill is not about repealing provisions. This Bill is about amending the provisions that are currently in the Electoral Distribution Act 1947. Just as with the previous Bill, it is the Liberal Party's view that a spade should be called a spade and that this short title should read differently. However, just before I move an amendment to the short title, I want to make one simple point and that is that the record that I have been given indicates that only one Labor Party member spoke on this Bill. That was the minister in giving his second reading speech and his incredibly short summation at the end of the second reading stage. When it is considered that we are dealing with, as the short title indicates, a piece of

legislation that purports to repeal one of the most significant pieces of legislation in this State, I find in absolutely remarkable that no-one else on that side of the Chamber spoke.

Mr Barnett: I find it remarkable that the minister sits there chatting to backbench members.

The ACTING SPEAKER (Mr Dean): Order, member for Cottesloe! There is too much conversation going on in the Chamber and I ask that members go outside if they wish to continue.

Mr Day: It is arrogant rudeness that can only be shown by the Labor Party.

The ACTING SPEAKER: Order, member for Darling Range!

Mr BARRON-SULLIVAN: I think the arrogance that we saw with this legislation earlier on was the fact that the minister was not even in here for much of the debate.

The point with the title is that, at the moment, it gives the impression that this legislation is about repealing a piece of law. In fact there are two Bills and, quite frankly, as was said earlier, there is no need for these two Bills. In order to achieve the electoral change that the Government has set out to put in place, it would be possible to implement such a change to the Electoral Distribution Act with just one Bill. That one Bill would need have only two pages and two lines of amendments in it in order to achieve that change.

Everything in the two Bills that we have debated in this Parliament in the past few weeks could be achieved by the four pages of paper that I hold in my hand, the substance of which amounts to two full pages of amendments. Instead of going down that simple path, the Government has said it will repeal the Electoral Distribution Act and amend the Electoral Act to basically bring in all the same points that were in the Electoral Distribution Act beforehand, with the addition of a few others, to enable it to use its mathematical witchcraft to effect vote rigging in favour of the Labor Party, especially in the Mining and Pastoral Region.

Mr Barnett: This is proof beyond doubt of what this Minister for Electoral Affairs is doing to the Constitution.

Mr BARRON-SULLIVAN: Absolutely. The Government has indicated on a number of occasions that it is not sure about what it is up to. The way in which the Minister for Electoral Affairs addressed an interjection by the Leader of the Opposition indicated an element of doubt, in which he indicated that he was more sure that the previous legislation we dealt with did not require an absolute majority, as did the answer to a question posed to the Minister for Electoral Affairs some weeks ago about advice on this matter that he received from the Solicitor General.

However, as the Opposition has said before, there is some hope. Members on this side of the Chamber have refrained from going into detailed legal argument; this is not the place for that. Our arguments will be put forward in the upper House and, hopefully, the matter will be ultimately decided by the Full Court of the Supreme Court. As I said before, it is clear that the mathematics of this Chamber are stacked heavily against us on this side but we will not go down without a fight. We indicate our total opposition to this legislation. We want to reveal what the Government is really doing. Consequently, I shall move an amendment to clause 1 of the legislation - the short title - to read along the lines that will spell out exactly what this legislation stands for.

Mrs EDWARDES: I am interested to hear the proposed amendments of the member for Mitchell.

Mr BARRON-SULLIVAN: I move -

Page 1, line 10 - To delete "*Repeal*" and substitute "Amendment (By Avoidance of Entrenchment)".

The purpose of this amendment is simple: it is so that the short title of this Bill reflects what the legislation is all about. It is about trying to avoid the entrenchment provisions of section 13 of the Electoral Distribution Act and about trying to avoid the firmly-based principle of entrenchment underlying our democratic system in this State. It is a principle that the Commission on Government supported strongly. It is a principle that the Premier is recorded as supporting a number of times. Essentially, the principle enunciated by the Commission on Government in its fifth report in August 1996 is that if the Government agrees with one vote, one value, that principle should be put into the Constitution and the matter taken to the people by referendum and if the Government ever again wanted to change the Constitution, it would go to the people in a referendum. There is no stronger form of entrenchment than that.

On 18 November 1996 the Labor Party supported that approach when the Leader of the Opposition Dr Gallop - now the Premier - issued a press release describing in much detail the Labor Party's unqualified support for the idea that one vote, one value should go into the Constitution and that the matter should go to the people by referendum. The Premier has supported the notion of entrenchment a number of times. He is quoted twice in the Commission on Government's fifth report as supporting the notion of entrenchment, which puts him directly

at odds with his Minister for Electoral Affairs who referred to the notion of entrenchment as a barnacle on the keel of progress. It also puts him directly at odds with the Minister for Electoral Reform's interpretation of what the Commission on Government said should happen with regard to entrenchment matters. I remind members that the Premier seemed to take much glee in leaning across from his seat and pointing at me to indicate that I was wrong and was trying to misrepresent the Commission on Government's recommendations on this matter, or words to that effect. The Premier was trying to say that the Commission on Government had said that the Parliament should change the legislation to bring in one vote, one value and put it into the Constitution by law, but any further amendments to that Constitution should go to the people in a referendum. I said the Premier was wrong; he said I was wrong. However, I am delighted that the Minister for Electoral Affairs supported my point of view, in direct contradiction to the Premier. In fact, the minister said on 29 August -

> The COG recommended that Parliament legislate to give effect to one vote, one value.

I agree with that. He said also -

> It should then be put into a Constitution -

I agree; that is exactly what the COG said. However, he then said -

> and put out to the people.

That means a referendum. He then said -

> Any subsequent variation would require the same process of approval by the people.

I have no argument with that. The minister disagreed with his Premier about how this matter should be treated. The minister said he agreed that it should be slotted into the Constitution; and, if that is the case, it should go to the people in a referendum. The Labor Party said in writing that it supports the idea of entrenchment, yet now it is thwarting the notion of entrenchment and the section 13 requirements of the Electoral Distribution Act in a blatant attempt to get this legislation through the Parliament, for the simple reason that the Labor Party does not have an absolute majority in both Houses of the Parliament, as is required under that entrenchment provision.

Mr BARNETT: This Government is quickly gaining a reputation as a dishonest Government, and that reputation will grow. We have seen the great lie of the election campaign, in which the Premier made a pledge to the people of this State that there would be no increases in taxes and charges.

Points of Order

Mr RIPPER: The member knows that it is unparliamentary to accuse another member of lying, and I ask you, Mr Acting Speaker, to ask him to withdraw that remark.

Mr DAY: The Leader of the Opposition has not accused any member of this Chamber of lying. He has simply referred to the great lie of the election campaign. It seems the Deputy Premier is being a bit insensitive. There is no point of order.

The ACTING SPEAKER (Mr Dean): There is no point of order. I did not hear the entire remark, but from what I did pick up, it did not appear to be a direct reference.

Debate Resumed

Mr BARNETT: As I said during the election campaign, the statement that there would be no increases in taxes and charges was the great lie of the election campaign. That has been widely recognised.

Mr Hyde: What does that have to do with the short title?

Mr BARNETT: I draw a parallel between that statement and this legislation, which is another deceitful act by the Labor Government. The Minister for Electoral Affairs is a very intelligent man, who understands the law and this Parliament, and who knows that the entrenchment provisions were placed in the Constitution for good reason and have been placed in our electoral laws for good reason. The minister knows that the obvious parliamentary process to amend the electoral laws was to bring in an amendment Bill. However, the passage of such a Bill would require an absolute majority. The Government has an absolute majority in this Chamber, but it does not necessarily have an absolute majority in the upper House. This action by the minister is one of stealth, deceit and connivance. Rather than have the courage and integrity to come into this Parliament with a Bill to amend the electoral laws and let that Bill run on its merit through the two Houses of this Parliament and let the parliamentary process decide, the minister has used stealth to try to get around the entrenchment provision by proposing to repeal the Act and replace it with a new one. As the Deputy Leader of the Opposition has repeatedly made clear, there is no other justification for having these two pieces of legislation. The only reason

it has been done is to get around the entrenchment provision. It is a contrivance, it is inherently dishonest and it is inherently deceitful. Indeed, as indicated by the Minister for Electoral Affairs' comments, he is more aware than most of us in this Chamber that there is legal and constitutional doubt about what he is doing. Because that doubt exists, sooner or later this legislation will be challenged. It must be challenged and it must be determined in the Supreme Court. If that does not happen, not only will future elections and future members of Parliament be in doubt, but also future Bills that pass through this Parliament. These may be matters of life and death, of large amounts of money or of planning matters that are subject to appeal. That is the reason that any change to the way in which people are elected to serve, vote and make decisions, whether in this Parliament or ultimately through the cabinet process if they are members of the Executive Government, must be made on a sound basis.

The Minister for Electoral Affairs knows that what he is doing is in doubt and is questionable. He has failed to do the honest thing of bringing into the Parliament an amendment Bill. I do not doubt his commitment to one vote, one value. I do not question his morals and integrity in that regard. I believe the way he is doing it is wrong, but I do not doubt his motivation. However, I question the deceitful way he attempts to do it. The Government lost its case in the High Court, so it knows that there is a doubt. The Minister for Electoral Affairs had one go, and good luck to him, as he believes in it enough to have a go in the High Court. However, he lost. That is proof that there is a doubt. The actions of future members of this Parliament and future legislation will always be in doubt until such time as this process is challenged and determined, one way or another. I am no jurist; I cannot make that decision. However, I do know that this is a deceitful practice being perpetrated by the Labor Party. That is why after just six months in government, the Labor Party is regarded as a party that has lied to the electorate. It has lied to the electorate; I cannot put a positive spin on that. It is an outright opportunistic lie. That is why there is a process of deceit in its first major legislation.

Mr BRADSHAW: I would like to back up what the Leader of the Opposition and the Deputy Leader of the Opposition have stated. What we have with this legislation -

The ACTING SPEAKER (Mr Dean): I draw the attention of the member for Murray-Wellington to the fact that we are debating the amendment that the words to be deleted, be deleted.

Mr BRADSHAW: It is important that members speak on this amendment. I did not realise the amendment had been moved, I apologise for that. It is important that the true meaning of this Bill be put into place, because the deceit that has been shown by this Government is incredible. The deceit is that although the Government might be committed to one vote, one value, it has a system for pre-empting what the upper House might do. It has not brought before the Chamber a Bill in which it really believes. I say that because there are no amendments referring to the upper House. I am concerned about how dedicated the Government is to getting one vote, one value, in the true sense, into Western Australia. I support this amendment to delete the word "repeal". It is about time that the Government had the guts to put forward the legislation it really wants, and not pander to certain interests in the upper House.

Mrs EDWARDES: This Bill can be called a repeal Bill, but we must consider its intention. During the second reading debate I referred to the Interpretation Act and to the meaning of "repeal", which means to rescind, revoke, cancel or delete. In the main, that is what this Bill seeks to do. However, the definition of "amend" is to replace, substitute, in whole or in part, add to or vary, and the doing of any two or more of such things simultaneously or by the same written law. We know that most of the sections in the Electoral Distribution Act were replaced by other legislation. Was that by the same written law? No; it was by two Bills. That is the reason that this Government brought in two Bills. Was that done simultaneously? No; they were done at different times. However, is the repeal Bill itself, which amends the Constitution Acts Amendment Act, removed from the definition of "repeal"? Does that make this an amendment Bill? Does it provide a basis, other than repealing those sections and then putting them back under section 13, which demands an absolute majority? There are grave doubts among the constitutional lawyers of this town with whom this issue has been raised. They believe there is an inconsistency and, as such, it is clear that this would be regarded as an amendment Bill and not a repeal Bill.

Mr BARRON-SULLIVAN: I ask the minister to explain a couple of simple things. Why are there two Bills? The advice we have received is that this legislation could have been drafted in one Bill, even the way the Government is attempting to draft it. Secondly, will the minister explain why he is not simply amending the Electoral Distribution Act? The second reading speech said something about moving towards unifying the legislation in this area, but we would like the minister to go on the record and say why he is not amending the Electoral Distribution Act.

Is the minister willing to confront a couple of questions on government policy? It was Labor Party policy to insert into the Constitution one vote, one value. Why does the Labor Party not hold that view any more? Why does it not want to insert that provision into the State's constitutional legislation?

First, why are there two Bills? Secondly, why does the Government not amend the Electoral Distribution Act to make all this a lot simpler? Thirdly, when did the Labor Party cast aside the idea of putting one vote, one value into the constitutional legislation?

Mr McGINTY: The advice that we received from the Solicitor General is unequivocal; that is, the repeal of a written law is not an amendment of that law. As such, this Bill, which seeks to repeal the Electoral Distribution Act, does not require the constitutional or absolute majority provided for in section 13 of the Electoral Distribution Act.

The Deputy Leader of the Opposition asked three questions. First he asked why there are two Bills. If he reads the second reading speeches on the two Bills he will understand why. One seeks to prescribe details of the electoral system in the Electoral Act, which has been an evolutionary process over time, or increasingly the way in which the details of the electoral system are provided. This Bill seeks to repeal the Electoral Distribution Act. It is appropriate that those matters be dealt with in that way. He also asked why we are not making provision in the Constitution for one vote, one value? The answer is that it would be an appropriate thing to do when we achieve one vote, one value and, furthermore, it will ensure that it is not likely to be overturned, because it will be a fundamental constitutional principle. We are not achieving one vote, one value on this occasion because we have been unable to garner the support necessary to achieve that in both Houses of Parliament. I do not believe it is appropriate to write into the Constitution less than the principle, and on this occasion we are not achieving that.

Mr Barron-Sullivan: What about the other question related to Labor Party policy?

Mr McGINTY: That was the answer. The Deputy Leader of the Opposition asked why it is not in the Constitution. Like the commonwealth system, the fundamental principles that underpin our democratic system are written into the Constitution itself. As a result, the number of members in each House will be written into the Constitution. However, because we were not able to achieve in this legislation that very important principle of one vote, one value, it is not appropriate at this stage to write it in. When we achieve electoral equality, the principle should be enshrined in the Constitution.

Mr Barron-Sullivan: Are you saying you have not achieved that in both Houses; that what we have here does not reflect one vote, one value?

Mr McGINTY: We have fallen marginally short. This is close enough to electoral quality in the Legislative Assembly, but we have failed with the Legislative Council.

Mr Barron-Sullivan: Would you rather have a pure one vote, one value in both Houses of Parliament enshrined in the Constitution and then go to the people with a referendum, which was the Labor Party's policy?

Mr McGINTY: The Labor Party's constant policy has been support of the principle that every citizen in Western Australia should have an equal say in electing the Government and that that should be enshrined in the Constitution. It should be able to be taken out of the Constitution or otherwise dealt with by a referendum.

Mr BARRON-SULLIVAN: The Labor Party has obviously cast aside its previous policy. I accept what the minister is saying with those carefully chosen words. I am pleased to hear a frank acknowledgment that we are not dealing with one vote, one value. We have heard much rhetoric from the government ranks about these pieces of legislation. It is good to hear the minister say that this does not represent one vote, one value. Of course, I am sure we do not agree about the degree to which it differs from one vote, one value. Clearly, the Liberal Party believes that having some electorates with 12 500 electors and some with 24 000 electors is far from the principle of one vote, one value. The bottom line is that this amendment should be carried on the basis that at least it cleans up the title of the legislation. It calls a spade a spade and injects a degree of honesty into this debate. I will conclude by again reinforcing the fact that, through the process that we have undergone in recent months, the Premier has on a number of occasions in this Chamber and outside it cast aside principles and broken a number of promises about electoral reform. Undoubtedly the previous Government sustained a great deal of electoral damage with regard to accountability and when in opposition the Labor Party pursued the issue of accountability relentlessly. The Labor Party's November 1996 policy statement about this matter has never been rescinded or qualified. It was issued under the banner "Accountability - Labor's response to the Commission on Government report".

The Labor Party has broken a succession of promises. It is not complying with the Commission on Government's recommendations 255, 256, 263, and those regarding referendums, the minister in charge, and the principle of one vote, one value. That amounts to six recommendations of the Commission on Government that the Labor Party previously supported very firmly but is now prepared to cast aside for blatant political gain. The Opposition does not expect this amendment to be passed by any means, but it does not want to go down without a fight, and will continue to the end to point out what this Government is attempting to do with this legislation. It would be a very interesting debate if the Chamber were dealing with pure one vote, one value in this legislation. Then perhaps we would see a bit more fire in the bellies of members opposite. Not one government member, apart from the minister, has spoken on this Bill. Eight country Labor members sat dormant on the government benches, rather than indicate in some way why this mechanism for mathematical witchcraft to amend the electoral boundaries of this State should be supported, and why it might, in some convoluted way, be of benefit to their electorates. Not one Labor Party member, other than the Minister for Electoral Affairs, has spoken, on one of the most significant pieces of legislation this year. The least we can do is agree to this amendment, amend the title, and call a spade a spade.

Mr EDWARDS: I support my colleagues on this side of the Chamber on the amendment to delete the word "repeal". Throughout this debate the Minister for Electoral Affairs has been immovable on any suggestion or issue raised by the Opposition on this Bill. It gives me the impression that the Bill is being bulldozed through the House for the sake of expediency. I may be cynical, but I believe that I am correct in saying that the Labor Government sees a chance to gain the mantle of power for the foreseeable future by moving eight seats out of the country and bringing them into the city. I echo the comments that the Deputy Leader of the Opposition made just now: it saddens me that not a single country member on the government side of the House rose to speak on this issue. The minister has led, argued and obviously now will finalise the debate for the Government. Those members opposite who supposedly represent country people should hang their heads in shame. I have, since this Bill and the previous Bill came into this House, regarded this whole issue as nothing more than a cynical and hypocritical grab for power.

Amendment put and negatived.

Clause put and passed.

Clause 2: Commencement -

Mr BARRON-SULLIVAN: This will be the last chance for this Chamber to discuss the process by which this legislation should be enacted. Those of us in the Liberal and National Parties in opposition and, it was pleasing to see, the Independent member for Pilbara, have indicated a great deal of concern about this legislation for a variety of reasons. The main reason obviously is the impact it will have on the degree of country representation in this Chamber. The voice of country people in this Parliament will virtually be silenced and a Government can be formed without one single country member being in the ranks of that Government. For a variety of reasons, the Opposition is totally opposed to this legislation. It has voted against it and will continue to do so at every stage.

However, the Opposition has said that if the legislation is to be passed by this Parliament, ultimately it should be put to the people in a referendum before it can be enacted. On two occasions the Opposition has attempted to move amendments that would provide a trigger for a referendum. Lo and behold we will do it again. The Opposition will oppose this clause with a view to substituting the following -

> Page 2, lines 2 and 3 - To delete the lines and substitute -
>
> (1) Subject to subsection (2), this Act comes into operation on a day to be fixed by proclamation.
>
> (2) This Act shall not come into operation unless, after the Bill for this Act is passed by both Houses of Parliament but before it receives Royal Assent -
>
> (a) the question -
>
> "Do you approve of the Bill entitled Electoral Distribution Repeal Bill 2001?"
>
> is submitted to the electors in a referendum as to a Bill pursuant to the Referendums Act 1983; and
>
> (b) following that referendum, the statement referred to in section 30(3) of the Referendums Act 1983 evidences that, as regards the whole of the State, the number of votes marked "Yes" exceeded the number of votes marked "No".

We are saying that there is a very simple mechanism available and legislation - the Referendums Act 1983, introduced I believe by a Labor Government - that provides the framework for exactly what we are seeking in that amendment. We simply want to ask the people if they support what is intended. Parliament has debated it and although not every member agreed with it, it was passed, so now it is over to the people for a final say. They will decide whether they want this legislation.

Obviously the intent of the amendment is to let the people decide whether they want the electoral changes the Labor Government is trying to force upon us. There is no more honest and well-founded approach than this. Admittedly, the Commission on Government did not say that we should repeal the Electoral Distribution Act and try to amend the Electoral Act and hold a referendum. As members on this side of the Chamber have said incessantly, the Commission on Government said that if we want one vote, one value, which the commission supported, that principle should be included in the Constitution and then a referendum should be held. It was made quite clear. I will read the section from pages 98 and 99 of the fifth report of the Commission on Government yet again. It states -

> It is inappropriate for parliamentarians to have the power to amend the State Constitution, without approval by the people.

It went on to say -

> All proposals to amend the *Constitution Act 1889* should be referred to the people for approval through a referendum process.

The Commission on Government then spelt out the fact that it was referring to its recommendation on how to treat the one vote, one value principle and that even that, when included in the Constitution, should go to a referendum.

Mr EDWARDS: I am interested to hear further what the member for Mitchell has to say.

Mr BARRON-SULLIVAN: My foreshadowed amendment reflects the principle that the Commission on Government said we should uphold; that is, the entrenchment of major change. The Commission on Government never said that this legislation should be passed or that it should be put to the people in a referendum; however, the way the Government is carrying out its one vote, one value initiative is not in keeping with the recommendation of the Commission on Government. Therefore, it is possible to bring a referendum requirement into play, as the Commission on Government recommended should happen if one vote, one value were implemented. That is all we are saying. Anyone who believes in the fundamental principle - or, to use the minister's words, the quaint notion - of entrenchment or, indeed, democracy would agree that there is nothing wrong with our proposal. How could those who believe in one vote, one value go past a referendum? Everyone gets one vote, despite the number of cows they own or the size of their farms or whether they live in Mukinbudin or a houseboat on the Swan River. Everyone who is legally entitled to vote gets one vote. If the minister believes in this so-called principle of one vote, one value, he must agree that this is the most precise form of one vote, one value we will ever get. Why will he not apply it and allow the people to decide whether they want the Labor Party's amendments?

The reason the Government is not prepared to go to a referendum is clear: it wants to get these changes in place as quickly as possible. Its policy approach over the next couple of years will be dictated by the way in which the electoral boundaries are drawn up at the next redistribution, whether that is done under the existing laws or the Government's electoral legislation. Members on this side fear that if the country representation in this Chamber is gutted, much less attention will be paid to country areas. Already the Government is not prepared to consider providing a new police station for Albany. We have debated things like the Peel deviation. We have seen a total disregard of matters throughout the wheatbelt. A number of other issues regarding the needs of country areas have been raised. The Government seems to be cold on a number of promises and does not appear to be prepared to address needs in the country. The bottom line is that the squeaky wheel gets the oil. If a region does not have politicians batting for it in this Chamber, it will find it much harder to get results. This is why it is disappointing that the Premier has not given the eight country Labor members a free vote on the matter. One wonders whether, if they had been give a free vote, they might have said something different during debate on the previous legislation. At least one of them might have spoken on this Bill.

There is no doubt that the process of Parliament in relation to this Bill has failed. The Parliament did not succeed in sending the Electoral Amendment Bill to a committee to be studied in detail. It has been made clear that no amendments will be considered. The basic parliamentary process in this Chamber has failed because the Labor Party has not been prepared to make it work. The final safeguard is to let the people decide. A

referendum would encourage a great deal of debate. I am sure the media would cover the matter in detail and the major political parties would hawk their points of view and the details of the legislation and, at the end of the day, the fairest outcome would be achieved. If the Government believes it has a mandate and is confident that the people support this legislation, it should not see anything wrong with letting them decide. We oppose this clause and we will vote against it. God willing, if the clause is negatived, we will move an amendment.

Mr EDWARDS: I support the Deputy Leader of the Opposition. Why can a referendum not be held? I suspect we know the answer already: because the Government does not believe that it would win. Although I have said it before in this place, it bears repeating that the average citizen has always expected responsible government. Democratic countries throughout the world achieve such change by consensus, as is being done in this Chamber. The Opposition has put forward that view but it has been opposed vehemently by the Government. The people of Western Australia will not have the opportunity to put their stamp on this legislation. I do not believe that any responsible Government should contemplate such enormous changes that this legislation will bring without first assessing the general attitude of the people. The people must live with the result, as we must on our side of the House.

I have spoken previously about political fairness. In my opinion, there is nothing politically fair about this legislation. It will change the demographics of Western Australia for the worse, certainly for country people. I said earlier in this debate, that if any one issue will divide country people from their city counterparts, it is this legislation, which will take representation out of country areas. I do not care whether we are talking about areas or numbers of people, that is the way country people will perceive it.

While this debate has raged over the past six or so weeks, numerous electors have asked me why a referendum has not been held, and I have referred them to the Minister for Electoral Affairs' office - which is probably not a good answer. I tell them that a referendum will not be held because the Government is stubborn and it knows that it would not win a referendum on this issue. I will conclude by repeating the old adage - if it is not broke, why change it?

Mr WALDRON: I support the amendment. The fairest thing to do would be to hold a referendum on this issue. During this debate I have talked about fairness and reality. The reality is that to abide by one vote, one value in its purest form, as the member for Mitchell said, a referendum should be held. People should have the opportunity to have their say on this issue. A few years ago, the issue of daylight saving was important enough for the State to hold a referendum; surely this issue is even more important. I ask the Minister for Electoral Affairs to clarify a matter for me because I may have missed the answer that he gave to a question from the member for Mitchell. If the true one vote, one value system were implemented in both Houses, would it be enshrined in the Constitution?

Mr McGinty: That would be appropriate once the principle was in place.

Mr WALDRON: Would we need to hold a referendum to change that?

Mr McGinty: Yes.

Mr WALDRON: I might be a new member, and perhaps I do not understand it; however, it seems strange to me that if that were to happen in that instance, why would that process not happen now? My simple mind fails to realise why it would apply then but not now.

Mr Trenorden: The answer is that it advantages the Labor Party.

Mr McGinty: The Leader of the National Party has given a cynical view. The other answer is that the Commission on Government recommended to legislate to put the principle of electoral equality of one vote, one value into the laws of this State and then enshrine it in the Constitution so that it cannot be departed from in the future. I am more than happy about that, but on this occasion we will not get one vote, one value. I would have liked nothing more than to have brought a Bill into this Parliament that enshrined one vote, one value into both Houses of the Parliament and to have enshrined it into the Constitution. However, we have fallen completely short of it in the Legislative Council and marginally short of it in this place.

Mr WALDRON: If it had gone through exactly as the Minister for Electoral Affairs wanted and had been enshrined, would it have had to go to a referendum at a later date?

Mr McGinty: Yes.

Mr WALDRON: I am sorry, but I still fail to see the difference. That is why I support this amendment, because I do not see any difference between doing it now and doing it in 30 years. Situations may change. It is commonsense.

Mr McGinty: Because we have not achieved a principle that is worth enshrining.

Mr WALDRON: That is an opinion. That is the view of the Minister for Electoral Affairs. I respect his view, but there may be completely different views in 30 years. If the minister's view got through completely, a referendum would have to be called. The people of Western Australia should have the opportunity to do that now. Surely any change that is made in 30 years, now or 20 years ago is the same.

Mr McGinty: I do not think that just any change should be subject to a referendum.

Mr WALDRON: No, but a change affecting our voting system should.

Mr McGinty: That is the principle on which the laws are based. Anyone who wants to change that principle should go to a referendum. We have not achieved the principle so there is nothing to enshrine in the Constitution.

Mr WALDRON: The principle of a fair vote stands right now and it will be changed. I do not see why my view on it is different from that of the Minister for Electoral Affairs. That is my principle, whereas one vote, one value is his principle. I do not understand why a referendum should not occur now. I do not see any difference. That is my point.

Mr BARRON-SULLIVAN: I will follow on from that, because I have an obvious question: if that is the way the Minister for Electoral Affairs feels - that it would have been ideal to slot the principle of one vote, one value into the Constitution - why are we not amending the Constitution Act 1889 instead of amending the Electoral Act 1907? There is no greater argument for a need for an absolute majority in that instance than there is in doing it this way. Why change the Electoral Act? Why not change the Constitution Act and just slot it in there? If the Government wants to tighten it up at a later stage to base the electoral system on a pure one vote, one value principle, it is a matter of amending it in the same way as amending the Electoral Act.

Mr McGinty: I will give a short answer to that; in a legal sense, it makes no difference.

Mr BARRON-SULLIVAN: Although a moment ago the minister said that it was the way he would really like to do it?

Mr McGinty: I said that once the principle is achieved, it can be enshrined in the Constitution. The member for Wagin suggested that we currently have a principle of electoral fairness. I disagree with him, but that is a difference of opinion between us.

Mr Waldron interjected.

Mr McGinty: I guess the answer is that the law does not require it. The Electoral Act is an inch thick. It seems to me that any changes can be made by a simple majority. It is a different proposition once clearly defined principles are established. They then determine the content of the electoral laws. Those principles should ultimately be written into the Constitution and require a referendum to depart from them.

Mr Waldron: Why should one principle carry a different weight to another?

Mr McGinty: I do not think that our laws are currently based on a principle. If there is a principle, it is not one that could be enshrined, in any meaningful way, in the Constitution.

Mr Waldron: It is a natural principle.

Mr BARRON-SULLIVAN: If a couple of the minor parties or other members in the upper House said that they would support the Government if it were prepared to introduce a system of pure one vote, one value in the lower House in accordance with the Commission on Government's recommendation, and it was slotted into the Constitution - the minister indicated the other day that he had the same sort of understanding about how it worked as I do - presented to Parliament and then to the people in a referendum, would the minister go down that path?

Mr McGinty: If the points enshrined in the Commission on Government's recommendations were supported by the Liberal Party - that is, one vote, one value in both Houses of Parliament - I would go down that path.

Mr BARRON-SULLIVAN: The minister would actually go out to a referendum?

Mr McGinty: As soon as your people in the upper House put up their hands to vote for it, I would not have any hesitation.

Mr BARRON-SULLIVAN: The minister would like to see that, would he not! Therefore, the minister would still rather go down that path of putting it into the Constitution and go out to a referendum for the people to decide on, rather than go down this path.

Mr McGinty: No, the Deputy Leader of the Opposition is putting words into my mouth again. What I have said is that if the passage that is contained in the Commission on Government's report is to be implemented with totality and with the support of the Liberal Party, we would happily go down that path. The deputy leader is not prepared to support the Commission on Government's recommendation, so he is really flying a silly kite.

Mr BARRON-SULLIVAN: I can see we are going to go around in circles here.

Mr McGinty: No, we are not. The member will be doing it by himself, I can assure him of that.

Mr BARRON-SULLIVAN: I am just trying to demonstrate how the Labor Party is prepared to move away from all these ideals and principles and so on, and basically thwart this notion of entrenchment in order to get this piece of legislation through the Parliament. It has never been suggested, neither by the minister, the Premier nor anyone else, that the recommendation of the Commission on Government that was supported by the Labor Party in 1996 should be put through this Parliament. We are dealing with a completely different piece of legislation. Again, I follow on from the member for Wagin's point that all the way through this the logic says to go to a referendum. The Commission on Government is saying go to a referendum and we almost got it from the minister's lips that he would still rather see us go down a path that would lead to a referendum. All we are saying is that we will oppose this clause with a view to pushing this issue to a referendum.

Mr TRENORDEN: I could not let a few comments by the minister go by without making a few comments of my own. First, there should be no inference in *Hansard* that the minister actually supports the Commission on Government's recommendation, because he does not.

Mr McGinty: That is a bit harsh.

Mr TRENORDEN: The minister does not. The Commission on Government referred to a 15 per cent variation and it was on one issue. Therefore, the minister does not. I strongly suspect that the minister is a republican and that he has a view about how the president should be elected. I suspect that the minister's view would be - never having had this conversation with him - that the president should be elected by some method using the House of Representatives, or in the Senate, or by some college -

Mr McGinty: The member for Avon might be surprised there. He may in fact find that my preference would be for some direct election method.

Mr TRENORDEN: Why then should the minister be the person who puts those sort of things into the Constitution? If we were an American House of Parliament, we would be arguing about the principle "of the people; for the people." We would not be arguing "of the minister; for the Labor Party" or "of the member for Avon; for the National Party." That would not be the argument. The argument would be "of the people; for the people." I am a republican also, but in no way do I want this nation to create a fifth level of government with an elected president who stands above all.

Mr Pendal: Are you a republican?

Mr TRENORDEN: Yes, I have been for some years.

Mr Pendal: Have you owned up before tonight?

Mr TRENORDEN: Yes, I have owned up before tonight and it was on the record many years ago.

However, the point I want to make is that I would hate to see a president elected by the people to stand above all. I do not have any difficulty with the people of Australia picking a president. I have a difficulty with that person believing that through the mechanism of election, he stands above all.

To come back to the point, it is not for the minister to decide what is "for the people". It is for the people to decide; not the minister and not me.

Ms Sue Walker: It is not decided by the people. It is decided by the Labor Party.

Mr TRENORDEN: That is the point. The minister and I get along reasonably well. However, it is extreme arrogance for him to say that we should do it this way and we will get the perfect system and bung it into the Constitution. It is not the minister's role to do that. He may think it is his role as the minister, but it is not. We are meant to represent the people. We are meant to put these sorts of questions to the people for them to decide. The minister knows that and I know that. We often debate those principles. After talking to one of the

Government's backbenchers a while ago, I almost voted the wrong way because we agreed with one particular process.

I am sad that this Chamber has lost much of its authority. I believe strongly that the Government of the day should govern; I do not argue about that. However, in the management of the House, any member, as an individual, should be able to bring a matter of importance to the House and have it debated. The Government has killed off that opportunity because of the party process. The Government should watch what happens tomorrow afternoon at four o'clock in private members' time. It will see that it is not private members' time, it is opposition time; really, it is Her Majesty's opposition time. The processes in this place are important.

I repeat that it is not the Government's province to decide what should go into the Constitution. If the majority of Western Australians agreed that there should be a straight one vote, one value system, I would not stand in the way of this legislation. However, I do not believe for a second that they agree. I believe that the majority of Western Australians believe in fairness. They believe in the principle of one vote, one value, but with a weighted disability in that process. If we put to the people by referendum that we intended to put that principle in the Constitution, I suggest strongly that the people would not vote for the Government's position.

Mr BARRON-SULLIVAN: The Leader of the National Party referred to a very important point that fits in with what I said earlier; that is, the referendum proposal is essential because this Chamber has not acted as a Legislative Assembly should. There has been debate in this Chamber about what should be the role of members of Parliament, particularly the members of the Legislative Assembly. I argued strongly that their first responsibility is as representatives of their individual electorates and of the families, businesses, community groups and so forth that constitute each seat. Another important matter that members overlook is that we are also legislators. We do not have the luxury of the American system, which has a clearer definition of roles between legislators and others in the government process. However, we are still legislators and it is incumbent on us to do our best to ensure that we pass good legislation.

It was suggested that this legislation be referred to a standing committee. Independent members of both Liberal and Labor flavours and National Party and Liberal Party members supported that idea and suggested a number of reasons for doing so. The member for South Perth even suggested a time limit on the process so that it would not become a time-consuming process to delay the Bill. The Government did not take up that suggestion. I believe there is a provision in the standing orders of this Parliament for a Bill to be dealt with in committee in a committee room outside this Chamber so that other legislative work can continue while the detail of the legislation is thrashed out. Referral to a committee related more to the previous Bill that we dealt with concerning electoral change, rather than this Bill, which deals mostly with mechanical changes to the legislation. Those options were not taken up, which reflects badly on the ability of this Chamber to act as it should. It also says a lot about our chance of ever having deep reforms or changes to the parliamentary system in this State.

One day, if Australia becomes a republic, we will need to look at things like the role of the Governor in Western Australia. There has been a lot of discussion throughout this debate, in which a number of members have participated, about whether there should be a wholesale change to our parliamentary structure, in particular whether there should be just one House of Parliament; and people have floated different ideas about how that should operate. However, what has happened in this Legislative Assembly during the discussion on these two Bills, particularly on the Electoral Amendment Bill, has made me very hesitant about any proposal to go down the path towards a unicameral system of government in this State. I believe that for as long as we have a party political structure and one party dominates in this Chamber - particularly the Labor Party - the chances of having any meaningful and workable reform are next to nil.

I reiterate, as virtually a last gasp before this Bill goes through this Chamber on the numbers and goes to the upper House, where ultimately it will meet its fate one way or the other, that the Liberal Party will oppose this clause, on the understanding that if our position is successful we will then move an amendment to require that a referendum be held before this legislation is enacted.

Clause put and division taken with the following result -

Ayes (28)

Mr Andrews	Mr Hyde	Ms McHale	Mr Ripper
Mr Brown	Mr Kobelke	Mr Marlborough	Mrs Roberts
Dr Constable	Mr Kucera	Mrs Martin	Mr Templeman
Mr Dean	Mr Logan	Mr Murray	Mr Watson
Dr Edwards	Ms MacTiernan	Mr O'Gorman	Mr Whitely
Dr Gallop	Mr McGinty	Mr Pendal	Dr Woollard
Mr Hill	Mr McGowan	Ms Radisich	Ms Quirk *(Teller)*

Noes (14)

Mr Barron-Sullivan	Mrs Edwardes	Mr Omodei	Ms Sue Walker
Mr Barnett	Mr Edwards	Mr Sweetman	Mr Bradshaw *(Teller)*
Mr Board	Mrs Hodson-Thomas	Mr Trenorden	
Mr Day	Mr Johnson	Mr Waldron	

Pairs

Mr McRae	Mr Cowan
Mr Quigley	Mr House
Mr Carpenter	Mr Ainsworth

Clause thus passed.

Clause 3: *Electoral Distribution Act 1947* repealed -

Mr BARRON-SULLIVAN: This is the clause that does it; this clause states that the Electoral Distribution Act of 1947 is repealed. Verbally, if nothing else, this is the key to all of the Labor Party's legislation to enact its electoral changes. As we have discussed a number of times, the provisions in the Electoral Distribution Act are just being amended. The Opposition put together a four-page Bill that would have achieved exactly the same result as the Government's two pieces of legislation put together. This one fairly innocent-looking line in the Electoral Distribution Act 1947 that will be repealed is the basis of what the Government is doing, and it is the key to the Government's whole approach. The Government has been actively prepared, and actively willing, to thwart the entrenchment provisions of section 13 of the Electoral Distribution Act; and in order to avoid the need for an absolute majority in the upper House, it has been prepared to repeal a perfectly good piece of legislation that has served Western Australia well under its various titles since 1904. Most importantly, the Government has been prepared to set aside a principle that was enacted in 1904 and has carried on until 2001. It is because of this little line in the legislation, and because of the importance and gravity of these key electoral principles, that the Liberal Party in the upper House will push strongly for the Supreme Court to give a determination on the validity of this legislation, and of whether the Electoral Distribution Act 1947 can be repealed in this way. It is the Opposition's firm and considered opinion that this legislation is invalid. Quite simply, what we are reading here is fancy footwork, and a clever legal way of trying to get around the well-enshrined entrenchment provisions of the Electoral Distribution Act. It is a cowardly approach. If the Government had the guts to come into this Chamber with legislation that reflected the principles that it says it upholds, and the policies that it has enunciated in the past, it would be hard to argue with the principled approach taken by the Government, even though I might not agree with its objective. However, there are no principles in this case. This is about political expediency; and this one little line is the key to the Government's whole approach to electoral change this year.

Clause put and passed.

Clause 4: Constitution Acts Amendment Act 1899 amended -

Mr BARRON-SULLIVAN: Can the minister give us a legal explanation, because we are now getting into some of the machinery aspects of the legislation? Clause 4 contains provisions relating to our electoral system that will be left in the State's constitutional legislation. If the Government is to put such key - I will not use the word "principles" - aspects as its so-called one vote, one value mechanism into the Electoral Act, why are other key aspects, such as the number of members of the Legislative Assembly, to be left in the constitutional legislation? In particular, I am mindful of that part of the minister's second reading speech where he said -

> Those arrangements are gradually being taken out of the Western Australian Constitution and the Constitution Acts Amendment Act and are being placed in a single piece of legislation dealing with all aspects of the electoral process.

I want to know why these aspects of the electoral process are being left in the constitutional legislation when the second reading speech states that the Government will pull out all these bits and pieces and put them into the Electoral Act? It really looks like this is tidying up. If the Government were dinkum about all this, these sorts of provisions would have been taken out of the constitutional legislation and put into the Electoral Act as well.

The DEPUTY SPEAKER: I take this opportunity to remind members that it is disorderly to speak while someone has the call. If members wish to continue their conversations, would they please do so outside the Chamber.

Mr McGINTY: It is appropriate that the Constitution prescribe the number of members of the Legislative Council and the Legislative Assembly. What is proposed to be taken out of the Constitution Acts Amendment Act 1899 is the structure of the way in which those numbers of members are elected and to put that into the Electoral Act. That is what is proposed currently. Section 5 of the Constitution Acts Amendment Act 1899 states that there shall be 34 members of the Legislative Council. Section 6 goes on to provide the details of the six electoral regions and how many members are to be allocated to each region. That is appropriately prescribed in the Electoral Act, whereas the number - that is, the 34 members of the Legislative Council - should be provided for in the Constitution. A similar arrangement exists for the Legislative Assembly. This legislation proposes to delete sections 18 and 19 of the Constitution Acts Amendment Act 1899 and to insert a new section 18, which states that the Legislative Assembly shall consist of 57 elected members who shall be returned and sit for electoral districts. In other words, it simply provides the number of members of each of the two Houses of Parliament. It is proposed to delete sections 18 and 19 from the Constitution Acts Amendment Act 1899, and provision is then made for 57 members of the Legislative Assembly. Section 19 refers to the way in which the 57 members representing electoral districts will be elected; that is, by reference to the Electoral Distribution Act, which we are repealing. The new scheme, which is provided for in clause 4 of this Bill, will provide in the Constitution for the number of members in the Legislative Council and the Legislative Assembly, and the details of how they are to be elected are in the Electoral Act itself.

Mr BARRON-SULLIVAN: The minister said in the second reading speech that the electoral arrangements for this Parliament are gradually being taken out of the Western Australian Constitution and the Constitution Acts Amendment Act and are being placed in a single piece of legislation dealing with all aspects of the electoral process. The Government is deliberately attempting to take all aspects of the electoral process out of the Constitution and to put them into one piece of legislation, which I assume is the Electoral Act. What is next? Which other parts of our electoral process will be taken out of the Constitution and put into the Electoral Act?

Mrs EDWARDES: Why was section 13 of the Electoral Distribution Act not replaced? The Government intends to bring all processes dealing with our electoral system into one Act; that is not in question. The problem is the way that is being done. The Government is using two Bills in an attempt to get around section 13. However, it has not bothered to incorporate an equivalent section in the Electoral Act.

Mr McGINTY: It makes no legal difference whether the remnant provisions of the Constitution Acts Amendment Act dealing with elections remain in that Act or are included in the Electoral Act. Section 73(2) of the Constitution Acts Amendment Act refers to certain things that require either a referendum or a constitutional or absolute majority. They are referred to by subject matter rather than by the Act in which they are incorporated. They include issues such as any Bill that seeks to reduce the number of members in the Legislative Council or the Legislative Assembly. If a Bill were introduced seeking to reduce the number of members in this House, that would require satisfaction of section 73(2) of the Constitution Acts Amendment Act. That is not the nature of this Bill. The Constitution Acts Amendment Act will retain provisions dealing with the number of members to be elected. Some other provisions are included, but they relate to qualifications for office rather than the electoral process. It would not matter if those matters were no longer covered by the Constitution Act. If there were a move to reduce the number of members, that would be caught by the requirement of an absolute majority and a referendum. On the other hand, a proposal to increase the number requires only a simple majority.

Mrs Edwardes: The Electoral Distribution Act requires an absolute majority. Those sections effectively replaced in the Electoral Act also required an absolute majority and an equivalent of section 13, whether it was included in the Constitution Acts Amendment Act or in the legislation relating to those sections.

Mr McGINTY: A number of provisions in the Electoral Distribution Act should not have but did require an absolute majority.

Mrs Edwardes: That is taking a rather executive decision.

Mr McGINTY: That is just expressing a personal view. Some of the provisions relating to electoral distribution are of a machinery nature, and are no different in character from a number of the other provisions in the Electoral Act itself. Some of the provisions contained in the Electoral Distribution Act should not have required, but do require, an absolute majority if those provisions are to be amended. Other provisions might be argued about. In my view, any proposal to reduce the representation in either House of Parliament is caught by the existing constitutional provision of section 73(2). This is only one big step towards the achievement of a clearly stated principle. There is still a long way to go until such time as we achieve that principle, but once it has been achieved, I would like to see it enshrined.

Mrs Edwardes: The minister has not taken on board the previous points I made, and the fact that mathematical, geographical districts are outdated and outmoded. What about the Internet seat? The minister should think forward.

Mr McGINTY: I heard what the member for Kingsley said, but I thought it was a great argument why the old horse-and-buggy argument for electoral malapportionment had no relevance today.

Clause put and passed.

Clause 5 put and passed.

Clause 6: *Electoral Act 1907* amended -

Mrs EDWARDES: When I was speaking earlier in the second reading debate, I referred to some of the constitutional conflicts of the seventeenth century. Some of our basic constitutional principles arose out of that time: the rule of law and the separation of powers. I talked about the rule of law and the fact that even the Executive needs to comply with that. The separation of powers, which is another basic constitutional principle, regarded as being particularly important, calls for a clear separation of legislative, executive and judicial authority. The electoral distribution commissioners will be incorporated under the Electoral Act. In Western Australia, the Chief Justice, the chief judicial officer, is one of those commissioners. I say this with tongue in cheek, because that is not reflected in the flat words of *Hansard*. If the minister were really an electoral reformer, which he talks about in terms of the principles of one vote, one value, why did he not think about picking up the separation of powers argument, a basic tenet of our constitutional principles.

Mr McGinty: I'll tell the Chief Justice you wanted to sack him.

Mrs EDWARDES: Not at all; I have the highest regard for the Chief Justice of Western Australia. That is why I said that I say this with tongue in cheek. The historical basis of the appointment is in Western Australia. It is interesting to note that that is not the case elsewhere. I do not know whether the minister is aware of the reason the Chief Justice was first appointed. I take it that, even before the State was formed, he was probably one of the few decision makers in Western Australia. I have not been able to identify the reason the Chief Justice has been part of that system, but has the Minister for Electoral Affairs thought about the separation of powers as part of his great electoral reform?

Mr McGINTY: I am truly indebted to the member for Kingsley, because I had not thought of that issue. The requirement which arises under chapter 3 of the Commonwealth Constitution for strict separation does not flow on to the same requirement at a state level, constitutionally. I think it underpins some of the recent decisions, such as Wakim, and the inability of the State to be able to confer jurisdiction on the Federal Court, because that dilutes the nature of the judicial power under chapter 3 of the Commonwealth Constitution. The state courts exercise other powers, which would not be permissible in the federal area, as I am sure the member is aware. Nonetheless, the push for complete separation and judicial independence is as real at a state level - perhaps not as constitutionally required - as at a commonwealth level. It is, therefore, most probably not a constitutional problem in the sense it would be at a commonwealth level to have the Chief Justice of the High Court of Australia as one of the electoral distribution commissioners. I do not think that would be tolerated.

Mrs Edwardes: Do you know the history of it?

Mr McGINTY: No, I do not. That is why I said that I was genuinely indebted to the member for Kingsley for raising it. It is something I am interested in following up. Thinking about the commonwealth position brings home the question the member raised of why it is the case at a state level.

Mrs Edwardes: Also, as you mentioned, we do not know the full extent of the decisions re Wakim and Hughes and the other, which I do not remember at the moment, and where it will leave us. They are holding a few bombshells.

Mr McGINTY: I think a couple of them have already exploded. There are problems associated with it. I remember the debate when two state Supreme Court judges were sought to be royal commissioners. They are part of the executive arm of government, and to get a judicial person to exercise an executive function while holding a judicial commission poses the same problems. That may be why the federal Attorney-General sought a state judge rather than a federal judge to be the HIH Insurance royal commissioner. That is pure speculation on my part. However, I think the member has raised an important issue that warrants research. The member has caught me on the hop tonight because I had not given it any thought. It seems to be a valid point without, as the member said, any disrespect to the Chief Justice. It is something to which I will find the answer, for no other reason than curiosity.

Mrs Edwardes: I would be interested to know also.

Clause put and passed.

Clauses 7 and 8 put and passed.

Title -

Mr BARRON-SULLIVAN: Earlier we moved an amendment to the short title of the Bill. It did not go to a division at that stage because I had in mind, almost as a symbolic gesture I suppose, at the final stage of the consideration in detail to move an amendment to the long title. I move -

> Page 1, line 5 - To delete "**repeal**" and substitute "**amend**".
>
> Page 1, line 5 - To insert after "**1947**" the words "**by repealing it**".

Enough has been said about the background to this. The long title is as follows -

> An Act to repeal the *Electoral Distribution Act 1947*, to make consequential amendments to the *Constitution Acts Amendment Act 1899* and other Acts, and for related purposes.

If our proposed amendments were implemented, the long title would read -

> An Act to amend the *Electoral Distribution Act 1947* by repealing it, to make consequential amendments to the *Constitution Acts Amendment Act 1899* and other Acts, and for related purposes.

The amendment would need to be made in two hits, but it would essentially have the same intent, as we said with our amendment to the short title. It is our final - symbolic - attempt to expose what the Labor Party is about with this legislation: it is not repealing the Electoral Distribution Act but amending provisions in that Act for the sole purpose of thwarting the entrenchment provisions of section 13. As has been mentioned a number of times, and the member for Kingsley tonight raised it in some detail, the Government is attempting to not only get around the existing entrenchment provisions, but also avoid any continuation of those provisions. It is sad that such a provision can be taken out of the Constitution, the backbone of the political and democratic system of any nation or State, and not replaced. I remind members - it has been said a number of times - that when the predecessor of the Electoral Distribution Act was passed in 1904, its provisions, including the attached entrenchment provisions, were taken from our constitutional legislation. The entrenchment provisions were included in that new legislation because that was the right thing to do. I have pointed out in two second reading debates that the entrenchment provisions have a number of times prevented the blatant political manipulation of our electoral process. I have been honest enough to say that the finger can be pointed at both sides of politics, although history shows that the Labor Party has a higher propensity for attempting to rig the electoral boundaries, not only in recent years but also over the past 90 or so years. This is our final symbolic gesture to show what the Labor Party is up to. We think we should call a spade a spade. We are sure that, on the basis of the voting patterns during this legislation, the amendments will not get over the line; however, we will not go down without a fight. Our intention is to have the vote on these amendments recorded to demonstrate the genuine intention of the Government.

Amendments put and negatived.

Title put and passed.