

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

ELECTORAL AMENDMENT BILL 2001

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 4: Part IIA inserted -

Debate was adjourned after the clause had been partly considered.

Mr KOBELKE: The Minister for Electoral Affairs has responsibility for this Bill. He has been at the Table for in excess of 20 hours. I will stand in for him for short periods as debate on the clauses of the Bill will continue for some considerable time.

Amendment put and negatived.

Mr TRENORDEN: I would like to know where we are.

The DEPUTY SPEAKER: Members' behaviour is disorderly. I ask the members for Riverton and Cottesloe to speak quietly or leave the Chamber.

Mr TRENORDEN: There are some amendments on the Notice Paper that are consequential to previous amendments I have moved. One amendment refers to the metropolitan area being divided into 35 districts and the remainder of the State being divided into 22 districts. It is very close to an amendment moved yesterday by the Deputy Leader of the Liberal Party. I believe it is identical. It was about the same time we were considering the fate of Mandurah. I was trying to turn sheep into crabs. It would be a good trick if I could do that.

I will not proceed with that particular amendment because even though I could speak on it for some time, I will not go through that process. I will defer until the next amendment.

Mr KOBELKE: I appreciate the comments of the Leader of the National Party. We are all keen to progress this Bill and there are substantive issues and amendments that we should move to and not waste time repeating arguments. In order to expedite the debate, we should move to the next amendment on the Notice Paper. If other members have amendments they should hand them in. They do not have to, under standing orders, but I encourage them to do so to allow us to move in a sequential order through the amendments.

Mr BARRON-SULLIVAN: There is no requirement to put amendments on the Notice Paper. The Liberal Party has a ream of amendments that it has been going through. It has decided whether or not to move them, just as other members have decided. It is not appropriate to have the amendments on the Notice Paper. We should continue going the way we are. We are all happy little Larrys.

Mr Kobelke: The member has the right to do that. I want to ensure that we proceed at a reasonable rate. The Opposition can adopt whichever tactic it likes. Some amendments may not be properly considered if they are not on the Notice Paper. It is better for members to have them on the Notice Paper. Amendments may get out of order. My duty is to ensure the passage of this Bill. If that means that some members will not get the opportunity to fully express their amendments I will be sorry, but it may happen. The Opposition has the right to proceed as it wishes. There are procedures that help with the proper management of Bills. They usually work best.

Mr BARRON-SULLIVAN: This debate has become bogged down in technicalities. I do not like the language the minister is using in saying that the Opposition is not doing the right thing by not putting its amendments on the Notice Paper. There is no requirement to put amendments on the Notice Paper. We have been getting on well until now. The Opposition will take the risk that if an amendment is not on the Notice Paper or another one is moved and I do not get to my feet in time, we may not be able to go back to an earlier clause. Let us get on with things and start working through the amendments.

Mr Kobelke: There are risks in your approach. Be it on your head.

Mr BARRON-SULLIVAN: The Opposition is not doing anything untoward by doing it in this manner.

Mr TRENORDEN: I move -

Page 4, lines 21 to 24 - To delete the lines and substitute the following -

The State will be divided into districts and regions in accordance with this Part as soon as practicable after the day that is 2 years after polling day for the last general election for the Assembly.

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

This is an important aspect of the Bill. I am very disappointed that the appropriate minister is not in this Chamber, because this is an area about which he gave some indication that there may be some acceptance. If we accept the Government's argument, the biggest problem is extending the time for distribution. The bitterness of the past and much of the debate is about the differences in the electorates of Wanneroo and Eyre. I like to add Burrup, because it is even worse. The commissioners did not anticipate the growth in the electorate of Wanneroo, but they have been told many times about Burrup and that it would not meet their expectations. They were miles off. The Deputy Speaker is living proof of how far off the mark they were. However, there is no doubt that there cannot be any justification for that outcome. I am not saying that the commissioners deliberately did this, but in all parts of the Bill where the minister and his Government have come into this House and tried to define the situation, they have been guessing. The area in which there is no definition, and the guessing game continues, is the period of eight years between redistributions. We have no difficulty with that point and, being blunt about our vested interests in this argument, that is because we will be in the same position as you, Madam Deputy Speaker, as we will experience the same effect at the opposite end of the spectrum. At the beginning of the process, our seats will be ramped up and I would suggest that your seat, Madam Deputy Speaker, will be ramped down. I am not saying that that is unfair to you, Madam Deputy Speaker, because it is not, as you are in a growth area. Nevertheless, this is an area where, if we accept the amendment, there will never be more than two years between a redistribution and a ballot. If we go to a four-year cycle and accept the amendment that we have put forward, that the redistribution happens after every two years, then we are never further than two years away from having an election after a redistribution. That means that the commissioners do not have to factor in the issue of growth. I will argue strongly that they should take account of the distribution on the day of their decision. Two years is a livable period, because you, Madam Deputy Speaker, have represented an electorate of 40 000 voters for well beyond two years and your predecessor lived under the same pressures created by fast-growing numbers in the electorate. This is a logical and sensible move and I would be interested in what the minister puts forward. However, I am also aware that the member for Pilbara has a slightly different amendment.

Points of Order

Mr GRAHAM: At the end of this point of order I guess that you, Madam Deputy Speaker, will have to rule that this is not a point of order. However, I wanted to ask the Leader of House and you, Madam Deputy Speaker, if we could have some latitude on the strict ruling about speaking directly to the amendments and the clauses. The reason for asking is that, as the member for Avon foreshadowed, I have a similar amendment, only the timing is different. If I am restricted to speaking strictly about his amendment, then we must duplicate the debate a little further down the track, and the same applies to the second part of proposed section 16F as well as to proposed sections 16H and 16J. There is a whole series of amendments on the Notice Paper that relate to the same thing, but are slightly different in detail. Could we be given some flexibility in order to save the time of the House?

Mr KOBELKE: I wish to assist in progressing the debate and letting members speak. We have a difficulty when two or more amendments cover a similar area. However, if members reflect on their experience in this debate, while I have taken points of order with respect to relevance and will continue do so, the debate has been very wide ranging. If there is constructive debate on a particular matter, while it may not be to the specific amendment that is before the House, I will not take points of order to try to suggest it is not relevant if that debate goes on for 10 or 20 minutes. However, I might if the debate becomes repetitious and goes on extensively, but it is in the Deputy Speaker's hands as to what may be considered relevant to the clause or amendment before us. However, I suggest, Madam Deputy Speaker, that you reflect on the debate so far and I do not think there has been any real issue on which people have not had the opportunity to canvass wide-ranging matters within this debate.

Mr TRENORDEN: I want to work out the mechanisms here, because I suspect that the member for Pilbara is saying that he will want to debate his position and I will want to debate mine. I am not embedded in concrete. I am seeking to establish a four-yearly distribution, not really whether it is one, two or three years in the process. I would like to know the point of view of the Government and the Liberal Party on the matter. However, we will get to a position where we will have to vote and there will be two similar amendments and I wonder how that will work seeing that they both relate to the same line and the same proposed section.

The DEPUTY SPEAKER: I am inclined to allow some latitude on the question raised by the member for Pilbara. There is some relevance in the debate about the period of two or three years. Members can make their arguments when speaking on this amendment and that should accommodate everybody, unless I hear anything different. The common sense approach is to allow some latitude so that we move on and members can make their points.

Debate Resumed

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Mr GRAHAM: Proposed section 16F requires that there be two successive general elections and that the electoral commissioners must divide the State into districts and regions in accordance with the Act as soon as practicable after the day that is two years after the polling day for the second of those elections. The next proposed section refers to the proclamation and the proposed section after that defines the projection time that the commissioners must take into account when drawing up the electoral boundaries.

The DEPUTY SPEAKER: The Hansard reporter is having difficulty hearing so I ask the members on my right to keep the noise down a little.

Mr GRAHAM: As the member for Avon said, it is the projection and the application of this series of proposed sections that leads to the most difficulty in setting electoral boundaries. Regardless of one vote, one value and the country-city divides, it is this part of the Act that requires three commissioners to sit down and gaze into a crystal ball, to forecast population growth and some other issues in the Act, and to then take that and apply it through a system to electoral districts and work out the boundaries based on the six criteria that are in the upcoming part of the Act. It is a nigh on impossible task. In the city, it makes little difference. For example, in Wanneroo, with 40 000 voters, it is like judging a diving competition in which the top and the bottom results are knocked off and the rest are averaged out; it provides a reasonable assessment of how the system will work. So, the Wanneroo electorate boundary is wrong. It includes 40 000 voters, so it is well over the quota. We all understand that something went wrong. I do not know what it was.

Mr Trenorden: Wanneroo Inc.

Mr GRAHAM: I am certain that it did not involve a political ploy or corruption by the electoral commissioners. Whatever it was, it was not that; it was something else in the system. I know that when the commissioners were considering the two terms that they were required to consider, they sought advice and information about what was likely to happen in the bush. Since I have been in Parliament, two major redistributions have been carried out in the Pilbara - not the electorate of Pilbara but the generic region - and both were completely wrong. In the first of those redistributions, reference was made to population growth in two towns that no longer exist. No-one foresaw the demise of those towns. The companies that owned and operated them projected that they would still exist in 20 years. However, another company took over them and they have now been closed down. They have disappeared off the map; they physically no longer exist.

Mr Pandal: Is there no-one there?

Mr GRAHAM: There is nothing; they are completely gone. The resultant distribution problem is a product of the long lead time. So much can change that renders completely irrelevant what might have been a good decision six years beforehand. The effect of these decisions is far greater in the bush than it is in the city. While moving an electoral boundary in the city two or three streets or a subdivision might be emotive for the member concerned, it is of no great consequence to the city. People do not live or die because their home is within the boundary of seat A or B in the city. However, if a town is ripped out of a regional electorate and put into another electorate, it is of some significance to the local member and of great significance to the region. It is an important decision and an important part of the electoral system.

Mr KOBELKE: I am happy to take up the matters raised by the member for Pilbara. However, so far he has not demonstrated any relevance to the amendment before the House. He has perceived a connection that does not exist. The Leader of the National Party's amendment deals with line 21, which relates to clause 16E and the special transitional procedures for the first redistribution following the enactment of this legislation. The next clause, to which the member for Pilbara is referring, deals with the period that elapses after an election before a subsequent redistribution. If that is the only point the member wants to deal with, I will address it after this amendment has been resolved. I acknowledge the commonality, but the leader's amendment is dealing only with the special part that provides for the first redistribution immediately following enactment of this legislation. The next clause, which I am sure we will come to, provides that subsequent redistributions will be undertaken two years after each second polling day. The leader is suggesting that it should be two years this time as well. I accept that as a valid point of view. However, I have discussed it with the responsible minister and we will not accept the amendment. The leader will argue the merits of it with some validity.

This is a major change. Under the Act, we are due to have that redistribution early next year. By the time this legislation is proclaimed, it will be early next year; so it fits in with those provisions of the Act. However, the substance of the Government's stance is that it is a major amendment and, because it is likely to result in significant movement, which is of concern to members opposite, we should do it as early as possible. The Government wants to allow plenty of time to resolve any issues that arise. If the process needs to drift out a bit, it can. The process is subject to a tight timetable. However, if the maximum time is required because this will

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be a bigger than normal redistribution, we should be able to take it. The Government believes for a range of reasons that the first redistribution following the passage of this Bill should commence early next year.

When we move to the next provision, we will consider what should be the standard practice for subsequent redistributions. I will leave the member to push the point, as I am sure he will. The Government believes that following such a major change the redistribution should occur at an early date, in keeping with the provisions of the Act. We will move to the standard timing for redistribution after that when we debate the next subclause.

Mr TRENORDEN: We have agreed that many matters in the subsequent clauses concertina. When, as we all have, members ask the electoral commissioners to draw up the boundaries, they are determined according to two scenarios: first, on the current population projections; or, secondly, on the population projected seven years hence. That being the case, the difference is enormous. The current population projection is not necessarily correct. We know that because the census figures are three years old.

Mr Kobelke: The recent census figures will be available early next year. Preliminary figures are usually available six or seven months later.

Mr TRENORDEN: Best of luck! They will be as accurate as they can be, but what is the accepted error rate? I believe it is about five per cent. It is the best we can do and I am not arguing about that. If the minister is correct - I doubt that he is - and we have the census results -

Mr Kobelke: Only the preliminary figures. Full figures take much longer.

Mr TRENORDEN: If that is the case, we can then say that that is the population and then have the boundaries drawn. Any projection seven years beyond that is a guess. That is what we are debating. The member for Pilbara has outlined why it is a guess. The cushy seat held by the member for Cottesloe might not change. My cushy seat probably will not change either. However, the Deputy Leader of the Liberal Party's seat will change, as will the seat held by the member for Dawesville. Picking that change is guesswork. That is a statement of fact; it cannot be disputed. I will fight strongly for a four-year redistribution cycle. The National Party is sick and tired of arguing about this guessing game. If the legislation is passed, it will be enacted, the boundaries will be drawn up and we will all argue these points with the Electoral Commission. Not one of us will be correct. That will not stop us arguing, each saying that the boundaries are incorrect for whatever reason. Madam Deputy Speaker, this will be a new experience for you, because you will be there too. We will all have a view about why they are wrong. That happens after every redistribution.

Why go through that charade? Why not just wipe it out, use the current known figures and hold the election on that basis? I know the minister said that he wants to get on with it, but it reeks of ignoring our concerns in the process. Obviously that will not make me very happy. The minister was not present when I spoke on this issue, but I am happy to go over it all again. If one refers to page 9 of the Bill and to proposed section 16L(f), the trend of demographic changes, I argued in the National Party room that I wanted that line deleted for the same reason I am arguing now; that is, that the seats of Wanneroo and Eyre were so badly messed up.

Mr Kobelke: I am happy to take that point, but may I suggest that we deal with your amendment?

Mr TRENORDEN: The Leader of the House has already agreed that they all concertina into each other. When that decision is made is what counts. If it is made three years away from an election, it will be further away than my two years or the member for Pilbara's one year.

Mr GRAHAM: I accept and understand what is being said about proposed section 16E. The point that I was trying to make is that the proposed sections are all interrelated. I have a series of points about these amendments that I want the Government to consider. The projected time is but one of them. Quite frankly, I did not pick up the fact that this was an interim proposed section, but I am happy to support the National Party's position for this reason: in my amendments on these proposed sections I have tried to strike a balance between, if I may so call it, total reward for incumbency and giving people a reasonable chance in an upcoming election. This job has enough lurks and perks for a practising politician to be able to work hard in his electorate for a period and to expect that the electors will reward that with re-election. However, we should not have an in-built bias in the system that guarantees, as the United States' system does, that once a politician gets the job he cannot lose it. Elections should be fair. That is what the Act is about.

Even if this legislation gets knocked off, the previous legislation contains a requirement for redistribution. Proposed section 16E and the National Party's amendment relate to when the redistribution should take place. The National Party is saying it should occur in two years and the proposed section says it should be as soon as practicable. My argument on this proposed section, and generally on this series of proposed sections, is that if redistribution is carried out as soon as practicable, it is an instruction to the electoral commissioners to get off

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their butts, carry out the redistribution, put it in place and publish the maps as they are required to do. What will happen then? I bet London to a brick that not one politician in this place who is running for election will be working on the boundaries on which he or she was elected. Members will be working on the boundaries on which they seek to be re-elected.

Mr Trenorden: It happens every time.

Mr GRAHAM: It can happen, it does happen and I have no objection to it happening, but I have great objection to it happening when the effect is that it rules out any genuine, fair and open competition in an election. That is the balance that I have tried to strike.

Mr Kobelke: It works to the advantage of Independents because people in parties must go through a round of preselections that may take 12 months before they know which seat they can aspire to gain, whereas an Independent does not have that problem.

Mr GRAHAM: There are some glaring exceptions to that. The Leader of the House and I both know from the time that we have been here that most people who seek preselection to retain a seat are preselected.

Mr Kobelke: I remember my good friend Nick Catania. It did not happen to him.

Mr GRAHAM: I do not know that that is quite true. I shared an office with Nick at that time, and I have the odd confidence that I will not divulge. There are some well known examples of where that has not quite happened, but the vast majority of people in political parties who seek to be appointed by their parties to recontest seats are preselected. The incumbency factor concerns me because it hands through the system a patently unfair advantage to a sitting member. I am happy to tell the Leader of the House that on the proposed section 16E interim measure I will be voting with the National Party. When we come to deal with proposed section 16F and the other proposed sections I mentioned, I will talk about how the census works and how the figures are applied on the ground, because they have a distinct effect on the redistribution.

Mr AINSWORTH: It is interesting to consider the question that is being discussed this evening in the context of some of the comments by the Government about the reasons for bringing in this Bill in the first place. One of the reasons that we have heard more than once in this place was that a huge disparity existed between seats like your own, Madam Deputy Speaker, where the population has grown very large, and other seats like the seat of Eyre where the number of electors is considerably smaller than average. I suggest that the situation was largely brought about not by any defects in the current vote weighting system, but because of the very question we are talking about now, which is the timing of the redistribution that is required under the Act after every second election. I think I am correct in saying that the system has been in place for quite some time. When there were three-year rather than four-year maximum terms, the effect of the two-term period during which there was no redistribution was far less than it is now.

Mr Kobelke: It was a totally different mechanism; it was not every second term.

Mr AINSWORTH: Okay, whatever it was, I do not know that it was any better than the system we have now. If that is the case, bearing in mind that there are two four-year terms, we erred in putting it in place. I have always supported the idea of a four-year term for Parliament. I would love to see it happen in the federal sphere of politics. There are some very clear benefits to governments and the population at large in having much more certainty about the timing of elections. Be that as it may, having a four-year term, as we do in this State, and requiring a redistribution only after every second election, has led to the disparity between electorates that has been clearly evidenced in some of the debate that we have heard over the past few days. The members in such seats as yours, Madam Deputy Speaker, are well aware of the effect of the poor projection figures and the fact that once a redistribution has been carried out the electorate is stuck with it for the next eight years. Whether or not the current legislation is passed, a redistribution is due before the next general election. If we can change the system for the redistribution of boundaries to a much more effective one that occurs every four years rather than every eight, we will overcome at least part of the problem that has been used as the argument for bringing this entire Bill into the House.

Mr BARRON-SULLIVAN: It has been an interesting discussion between members of the National Party and the member for Pilbara. A little later the Liberal Party will weigh in. One of the reasons we have not put our amendments on the Notice Paper is to see how the debate progresses. What we are discussing now is precisely the reason this legislation should have gone to a committee. We should have been able to get around a table and hold a two-way conversation, look at the figures and have the WA Electoral Commissioner there. Neither the adviser nor the Minister for Electoral Affairs is here tonight. With due respect to the Leader of the House, who I know has good knowledge in this area, we should have a prominent adviser in here on those matters. The commissioner does all the work on this, so I would like to know his view on when the first redistribution should

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take place. The commissioner is the public servant whose role it is to carry out this redistribution. He has the experience and the expertise, and if he were sitting at the Table I would have liked him to whisper in the minister's ear. Was this a recommendation - if I can put it bluntly - of the public servants involved?

Mr Kobelke: Your question is improper: the commissioner is a person of some standing who would wish to maintain proper independence on these matters. I expect the commissioner would give advice on practicalities that might impinge on the question the member asked, but I do not think he would judge it proper to enter into the political debate about what might be the best outcome.

Mr BARRON-SULLIVAN: That is my point entirely: we are now having a political debate over the fundamental principle behind our electoral system. This should not be happening; we should have an impartial person - the commissioner - openly giving advice to a parliamentary committee and saying from his experience what are the problems and pitfalls in doing it one way or another way. This is why the Bill should have been referred to a committee. Concerns have been raised by an Independent member, the National Party and the Liberal Party about the projection mechanism that is built into this Bill. Blind Freddie could tell the minister that when such a diverse group of people - we have not all huddled in a room and colluded on this - have these concerns something is wrong. The minister is now referring to political debate over this Bill. The bottom line is that the commissioner should be in here, so that we can ask these technical questions. It is a travesty that he is not. In the short time that I have been in this place, this is the first time that a minister has handled a piece of legislation - let alone something as important as this - without a key adviser who has been involved in the drafting of that legislation sitting next to him.

My next question is obvious: I have not yet heard why the redistribution after the legislation is enacted should take place immediately, whereas from there on in, it should happen two years after polling day for every alternate election. The Leader of the House might try to explain why there should be a difference. I will be cynical and give a reason -

Mr Kobelke: I have answered that question twice and I will not repeat it a third time.

Mr BARRON-SULLIVAN: The Leader of the House can call me cynical when I put this suggestion forward. However, the member for Pilbara hit the nail on the head; the Government wants this redistribution to go ahead as quickly as possible, and the Minister for Electoral Affairs indicated previously that he thinks the redistribution process could be completed by July of next year. One does not have to be too smart to work out that the Government is planning for its election chances in 2005 and wants to know where to spend the money to pork-barrel; it wants the boundaries all laid out in front of it. This is a political, strategic document; this is not about a fair electoral system. If the Government wanted this to be perfectly fair why would it not have the same two-year requirement that is built in later on? Essentially, the Government wants this out of the way quickly; it wants to see where all the marginal seats are and how many seats it needs to ping off to hold government in four years time; and it wants to take advantage of the fact that it will pick up extra seats. This is being done for strategic reasons. Those are all the wrong reasons. This legislation should not be progressed in this way and we should have sent this matter off to a committee.

The DEPUTY SPEAKER: I know that some members might not be interested in the debate, but as Chair I am certainly interested and I am sure that Hansard is, so I ask members to leave the Chamber if they wish to have a discussion. I draw members' attention to the Leader of the National Party.

Mr TRENORDEN: Let us go back to the beginning. My amendment is to replace one year and one day with two years. That will hardly bring about the end of the world, but it is important in the process of redistribution. An important part of this is an indication of whether the Government wants to stay in office for two terms or for one term. This matter of projection will make a huge difference to the core figures. It also goes to the question of when political parties or individuals can start to look at seats. Every member who has been in this Chamber for a little while knows that as soon as there is a redistribution, members abuse their positions, and they start to work on the new boundaries. Members are elected to represent an electorate. However, it has been my experience of the federal scene in recent years that the federal seat in which I live has gone from totally O'Connor territory to partly O'Connor and partly Pearce to totally Pearce. Members are turning up at public meetings and putting positions forward in seats other than their own; they are not the sitting members; we never see them. That is because the sitting members do not care about their patch any more. Even though they are elected to represent these areas they are campaigning in a new patch, which is not their responsibility. I would be interested to know how that affects allowances and all those other issues. That is what happens in the federal scene, and that is what members here will do. The member for Pilbara has a strong point: the shorter the period between redistributions the fairer it is. Why does the Government need seven years - or three years - less whatever time the commission takes to put it together? It is not needed because the closer the redistribution is to

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the election the fairer the system. The minister is saying that I will have seven years to dash around and represent some other area - it will be three years with an election coming up. If I decided to run for the seat that the Bill projects, which will take in from Merredin to Narrogin, which are areas that I go to once in a blue moon now, would I then go there on a daily basis? That is what happens, and it will happen a lot more. Why would the Government want this extended period? The shorter the period the fairer it will be for everyone involved. The commission will not require a lot of time to draw up the boundaries. The commission knows right now what its duty is, and on 11 February it will start a redistribution. The minister cannot tell me that the commission is not preparing for that right now. The minister cannot tell me that the commission has not asked the minister for the resources to do that. The commission will be ready to rock and roll on 11 February, because that is its responsibility. How much time will it take the commission after 11 February? It will take several months, but not much more. Why do we need the other two and a half years?

Mr GRAHAM: I have found the piece of paper I was looking for during the previous debate, and the figure that the Greens (WA) achieved in the Mining and Pastoral Region was 0.26 of a quota. Proposed section 16E is worse than I thought, and I do not share the cynicism of the Deputy Leader of the Liberal Party. It does not have to come into play when the Act is proclaimed; it has to come into play when section 4 of the Electoral Amendment Act comes into play. The legislation specifically makes provision for the Government to have one section of the Act proclaimed. It is even worse than I first thought.

Mr Kobelke: Do you understand what section 4 is?

Mr GRAHAM: Yes.

Mr Kobelke: Section 4 is the whole of the operative part of the Act.

Mr GRAHAM: Yes, which is the old Electoral Distribution Act.

Mr Kobelke: No. It is the whole of the legislation that is before the Parliament now.

Mr GRAHAM: Yes, but it is not the whole Act.

Mr Kobelke: But the remainder of the Act is already in operation.

Mr GRAHAM: The minister is right and I am wrong. I will not do that again.

I refer to a point raised by the Deputy Leader of the Liberal Party about the view of the Electoral Commission and the commissioners. I happen to agree with the minister; I do not care about their view. Their job is to put in place the provisions of the Act. We will put the legislation in place, they will carry out the provisions and this Parliament will provide the funds. It has never been difficult for politicians to find the money for elections. The commissioners and the Electoral Commission have done their projections and, as the member for Avon said, when approached, the commissioners have a very even-handed approach. They say, "On the one hand you need this and on the other hand you need that; and, by the way, we have drawn up this series of maps but we will probably have to take this out of there if that changes in the Act and shift it over there if that changes in the Act." Some of the members want to know the end result before the legislation is in place. That cannot be done; I accept and understand that. We must try to get our heads around the effect of the words we are playing with. Sometimes we know that and must change our position, but these provisions of the legislation set out exactly what the electoral commissioners will take into account in drawing up the boundaries.

I said a while ago that in the city these boundaries have little effect. If the subdivision of Joondalup were moved into the adjoining seat, it would be of little account to the local member. Let us have a look at the seats of Pilbara and Kimberley. If the amending Bill goes through as proposed, and the maps prepared by the Electoral Commission are accepted, in accordance with the commission's forecast, Halls Creek and the Shire of Halls Creek will be taken out of the Pilbara electorate - we hope - and put into the seat of Kimberley. That will be a major change for those people, who overwhelmingly voted for me, but it is also a 1 500 or 1 600 kilometre trip from my electorate office. That is a reasonable consideration. I am recompensed by the Salaries and Allowances Tribunal to travel that distance. The member for Kimberley, who one assumes would pick up that seat, is not.

Mr WALDRON: I have been listening to this debate to make sure that I understand the timing of the redistribution. It has become obvious to me from the comments of the member for Pilbara and the Leader of the National Party that if the redistribution happens as soon as is practicable - unlike the amendment suggests - after two years, it is plain that the new electorates will be known and members will be affected by having completely different areas to contest at the next election. It has been said that members may not be able to service their whole area; they may want to work in the new area that has been designated to them. What worries me is that this is not good for the electorate, and also the people in those electorates may have the perception that the

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members are not working hard, even if they are. As politicians, we do not have the greatest public image and we should be trying to improve that image; this may dent that image even further. That is a realistic point and it should be taken into account when considering this amendment. I support the amendment. I agree with other members that if this legislation had been referred to a committee, these matters would have been discussed in full.

Mr TRENORDEN: I would like a point of view from the minister's assistant who has just arrived, because this is an area about which the minister has shown some interest. I do not know whether the minister has been listening.

Mr McGinty: I have not been in the House.

Mr TRENORDEN: I will put the argument succinctly. The legislation states that the electorates will be redrawn in one year and one day. My amendment refers to two years. The argument put forward is that it will be fairer to everyone if it is done later rather than sooner. It is argued that as soon as these seats are struck, the incumbent member will be working the new boundaries and not the old boundaries. Nobody in the House has said that is not true. Some examples have been given of that happening in the past. If we included in this debate about two years the question of whether it will be a two-term redistribution or a one-term redistribution, which we have not reached yet, it would be important in the context of the outcome. If we go to a one-term redistribution, and we do that two years into the process, the questions put by the members for Wanneroo and Eyre will be taken out of the equation. I said to the Leader of the House, when the National Party was debating this, that I wanted proposed section 16F removed from the legislation. I have strongly debated demographic effects, and I am passionate about this issue because we have all seen the effects. The minister is optimistically saying figures will be available on 11 February based on the current census, but the sooner precise figures are drawn up, the less will be the effect on Wanneroo, Eyre, Burrup and so forth, and to a lesser extent several other seats.

I want to make this point because the minister seemed to have an interest in the redistribution process occurring in either one or two terms of government. The biggest weakness in the minister's argument is that he is opting for certainty throughout the Bill except in this clause. In this area, the commissioners are told to guess what will happen to these seats in seven years.

It was pointed out in the minister's absence that two towns have vanished in the seat of Burrup. One mining company took over another mining company and, as a result, two mine sites closed and two populations moved. How do commissioners take those points into consideration? Hopefully, some major activity could take place in Burrup, and the gas industry could be rebuilt, which would bring between 1 000 and 2 000 workers into the Burrup area for only a two-year period. Would the commissioners be aware of that two-year period? If over a period of seven years there was no redistribution of the electoral boundaries, it is likely there would be a two-year period in which the commissioners could not possibly know of that development in Burrup.

A period of four years for electoral redistribution, which could occur two years into the term of a Government at the earliest, would give a fairer outcome for the public of Western Australia. Although that system would not be fair for the political parties which the minister and I represent, we are here to argue for a fairer Bill. That would take away some of the advantages of the power of incumbency.

Mr GRAHAM: While the Minister for Electoral Affairs was away, we made a loose agreement that, as far as we reasonably and practically can, and subject to the Chair, we will try to deal with a number of the proposed sections in this part of the Bill. Those issues relate to when the first redistribution will take place, the projection time, whether the redistribution process will occur after one or two terms, and the effect of the redistribution. Those issues are all covered in this part of the Bill. We are trying to have a mini, informal cognate debate because similar amendments will be made throughout this process. Redistribution rewards incumbency if it is done early in the Government's term, and I am opposed to that. A redistribution in the city is of little account because it does not have a direct and immediate impact.

I used Halls Creek as the classic example. I am not worried about the rights or the merits and how it got there - we will deal with that in a while - but Halls Creek, which is some 1 500 kilometres from my electorate, is included in the seat of Pilbara. The Salaries and Allowances Tribunal pays me a charter allowance, travel costs and all those things that enable me to service that electorate. If this legislation were passed and a redistribution occurred in the next couple of months that went the way the Labor Party predicted and the Kimberley was reunited to live happily ever after, one could reasonably assume that the member for Pilbara, being a politician, would not want to service an area in which he had no interest. It would also be assumed that the member for Kimberley, who would want to continue to be the member for Kimberley, would show an interest in Halls Creek. A difficulty would arise in which the member for Pilbara would be overpaid and the member for Kimberley would be underpaid; I would not do what I was paid to do, and she would do what she was not paid to do. The

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good folk of Halls Creek, who happily voted overwhelmingly for me, would lose their local member and be represented by someone who was not their local member. That would be a patently unfair system if it were done early in the term of a Government. The electors - it is not just a semantic term, although I know that the Minister for Electoral Affairs is an old cynic at times and could well say that -

Mr Pandal: He is not all that old.

Mr GRAHAM: That is true.

Mr McGinty: I thank the member for South Perth.

Mr GRAHAM: The good voters in the country elect their local members for different reasons than do city people. There is a different voting trend and a different voting pattern in the country. They are entitled to have their local member. The minister can assure me all he likes that that will happen; however, I know it will not. I know what happened after the last two redistributions, and I know where the people scattered to. I also know where the political imperative is. The political imperative is not to serve the people who elected the politicians; the political imperative becomes service to the people who will keep them there. The minister and I both know that there are ways, means and mechanisms inside the system to look after that system. I am not being puritan. I accept that those things happen. However, I do not accept that Parliament should legislate for those things to remain ever thus.

The minister says that the first redistribution should be done as soon as practicable after the legislation has passed. The member for Avon has moved amendments to legislate that it should be done two years after the last general election, and I tend to agree with him. We have yet to hear a view from the Government on that issue. I have yet to hear from the Government an indication about the single-term redistribution. I have similar amendments on the books about that issue. I believe that that is the way the Australian Parliament works. If we could get some agreement about that, it would avoid a series of debates and take much of the rhetoric out of the business. We would then require some words to the effect that the electoral commissioners could examine the electoral roll and set the boundaries for the seats based on the electoral roll. They do not need to go down the road of projecting eight years into the future. The consequence of the eight years' projection would be that the electoral roll would probably be right for one day in eight years, or two elections.

Mr McGINTY: This is an area, subject to the views of every member who wants to have input, in which we can have considerable accommodation. I have thought for some time that a more frequent redistribution process would be the answer to a structural problem within the system that gives rise to the Eyre versus Wanneroo problem. That is an example of the extremity of the system. Whether one would want a full regular redistribution every four years, or insert certain criteria that, if met, would mean that it would happen every four or every eight years, is an issue that must be considered in some detail.

The redistribution process for the Commonwealth, for instance, is held when a certain number of seats are outside the tolerance of the quota, and once it gets to that situation, the process of redistribution occurs in a State; or when the population of a State means that a new seat must be created or taken out. I am most amenable to a thoughtful amendment being made to this legislation to provide for redistribution on a more frequent basis than currently occurs.

Mr Graham: This is the difficulty of not having this matter debated in a committee, as was proposed the other night. However, that debate has finished. How do we get a sensibly worded amendment in five minutes before a new member must speak? The business of the House must move on. Can we seek to adjourn and meet behind the Chair? How does the minister want to proceed with it?

Mr McGINTY: I will first touch on a few other areas about which the member for Pilbara and the Leader of the National Party commented. A mechanism for redistribution every four years - for present purposes it does not matter whether it is automatic or triggered - would eliminate the need to base the redistribution on projections; it could be done on the basis of the existing figures. Again, that is another amendment, which I think is consequential to what we have just been speaking about.

I refer to the first redistribution. If no changes are made to the electoral laws, a redistribution will occur between 10 February and July next year. In crafting this legislation, I wanted to ensure that the population of various electorates at the time of an election is as contemporary as possible. Therefore, I took the view that we should delay the redistribution by one year so that the commissioners could work from more recent figures, which would ensure a greater equality - I use that term loosely - between the basis upon which a redistribution is done and the basis upon which an election is conducted. That can be achieved through the redistribution taking place two years after an election. The member for Pilbara will remember that the political party preselection of candidates normally takes place 12 to 18 months before an election. That is a general rule; sometimes it is a

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little later. Political parties work on the basis that candidates need 12 months to campaign in the lead-up to the election. I know the member will remember that, because I was speaking this evening to someone who boasted that he had signed the member up to the Australian Labor Party.

Mr Graham: He tells lies. I know exactly who you mean, and he tells lies.

Mr McGINTY: I think it is unparliamentary to reflect adversely on a member of another place.

Mr Graham: I do not know who you are talking about. However, if it is the same person I am thinking of, he tells lies.

Mr McGINTY: He too spoke affectionately about the member.

Mr Graham: Were you having more secret meetings with my friends?

Mr McGINTY: Nothing was secret; we left the door open.

Mr Graham: Good. What happened?

Mr Sweetman: No-one could not see for the smoke.

Mr McGINTY: If there were no change to the electoral laws, a redistribution would occur in the first six months of next year. My view is that it is important to enact the first redistribution early to provide a measure of certainty in the process. Afterwards, it would be better to have a shorter period between the redistribution and the election.

Mr GRAHAM: I am extremely interested in the minister's view and would like him to continue.

Mr McGINTY: If this legislation is passed, I would like people to have a measure of certainty so that they know what the redistribution will look like, rather than spend the next 12 months jumping at shadows and campaigning on what they think it might look like. I hope that we will know that by the middle of next year. This legislation will be well and truly out of our control once it leaves here and goes to the upper House. However, it is my hope - and I cannot offer more than that - that this legislation will go through the Parliament by Christmas. The Electoral Commissioner indicated to me some time ago that, because of the work involved in conducting such a significant redistribution on a different basis from what has happened in the past, he would appreciate it if we deferred proclamation of the legislation for a couple of months. In that way, he would be able to prepare to conduct the redistribution within the six-month time frame that is laid down in the legislation, which is comparable with what is in the old legislation. I expect that a redistribution will be done by July to September next year at the earliest. It is a significant change. Only two seats in the State will remain roughly as they are, albeit with some shrinkage. Those two seats are at the north and south mouths of the Swan River: my seat and that of the Leader of the Opposition. It is anyone's guess what will happen to the rest of the seats.

Mr Graham interjected

Mr McGINTY: That will be a change they will resist. The Leader of the Opposition and I will have a good idea of the likely result; nobody else will have any idea, except maybe the member for Kimberley. There is a certain logic to the Kimberley area being one electorate. To a certain degree, the proposal of the Greens (WA) to add a 0.5 per cent weighting for large land areas would help achieve the reunification of the Kimberley into one electorate. One could take a reasonable punt that that will be the case.

Mr Graham: Yes; if and only if the demographic trend projections were removed.

Mr McGINTY: I do not think so.

Mr Graham: If they were left in, such an electorate would probably come out over quota.

Mr McGINTY: The Electoral Commission did a calculation for Kimberley based on the 0.5 per cent weighting for areas greater than 100 000 square kilometres. Kimberley has four shires, 15 326 electors and a land area of 417 842 square kilometres. When the weighting is factored in, Kimberley has a notional enrolment of 17 415 as at today's date. The combination of the 20 per cent beneath quota factor and the large land area factor in the remote area seats would put the four Kimberley shires within the required quota.

Mr Graham: That is on today's enrolment. That is my point. The next step is to take into account the Australian Bureau of Statistics' projected population growth for the next eight years - based on the census we have just had. We would probably find that Kimberley is either dead on the road or under quota, in which case Halls Creek would not be able to go back into Kimberley, and some of the surrounding Aboriginal communities would have to be bulked into another seat.

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Mr McGINTY: Which would be unfortunate.

Mr GRAHAM: It might not be unfortunate. However, that will be a consequence of the legislation. The difficulty is that the system is unable to deal with these issues because of the way we are operating. We cannot make a legislative decision of this type unless we know whether we will have redistributions every four or eight years. We cannot make that decision unless we know how far forward we must project. The decisions I am required to make as a member of Parliament on these proposed sections depend on subsequent proposed sections. I cannot say whether I will or will not support them. I thought I supported the National Party's position, but listening to the minister has changed my thinking somewhat. I now have a different perspective. However, I cannot make those decisions until we have discussed these key issues. I accept that the minister does not want to send the Bill to a committee. However, are there some mechanisms that will stop us repeating the same things? The minister is saying that there are grounds on which we can accommodate each other; however, there is no mechanism for us to be accommodated.

Mr McGINTY: Such a mechanism would depend on the view of the other parties. I have not heard what the Liberal Party has to say about this issue. I think I gleaned something of the National Party's position. If the view of everyone in this House is to do away with projection by having a provision for four-yearly redistributions - we can talk later whether they should be automatic or triggered - it is a view we can accommodate. We will need to work out the precise details of those provisions, but it is something that I feel quite relaxed about.

There are two ways to deal with the mechanism. The member was very interested in the meeting that took place earlier this evening. This legislation will go to committee in the Legislative Council. It could go with a clear commitment from this House to deal with the issues at the committee stage. The other way in which it could go is for us to amend legislation in this House. With the exception of providing the projection, which was requested by the Electoral Commissioner - it was something that he felt would bring him more into line with what happens in the rest of Australia - my view is to make the changes that give effect to one vote, one value and, by and large, leave the system as it is unless there is a compelling argument to make particular changes. The Government has left the system as it is. I do not think anyone would argue that there is a need to do it two years after the election rather than one year. The projection and four yearly redistributions are things we can accommodate if that is the desire of the House.

Mr BARRON-SULLIVAN: I am encouraged by some of the things the minister has said. I am glad we have been told what the Electoral Commissioner's informed opinion is on this clause as I asked the previous minister and he told me it was none of my business.

The Liberal Party has given a lot of thought to this. There are inherently serious problems in this legislation affecting the projection mechanism. The member for Pilbara, the National Party and the Liberal Party intend to support amendments to delete the projection arrangements. The reasons given by the member for Pilbara and the Leader of the National Party are echoed by members of the Liberal Party. The Liberal Party weighed up whether there should be a redistribution after every election or whether some other mechanism might be more appropriate. The genesis of this problem was 14 years ago when the State went from three-year terms to four-year terms. Eight years is a long time between redistributions, particularly when volatile demographic situations exist. Members keep referring to the electorate of Wanneroo, and it is one of the best examples. My electorate is not a bad example. Regarding proportionality, the electorate of Mitchell's level of enrolment has increased to be second only to that of Wanneroo. These sorts of things happen.

Other members have described the background to these sorts of things very well. When it comes to a solution we are not very keen on a redistribution after every election for a number of reasons. Members should forget the politics; let us think what the system is all about. It is about representation. There are commonwealth seats that are good examples of where there have been redistributions because of high growth patterns. There is a great deal of discontinuity in the seats, particularly in certain areas. One area in the south west would be Collie. Before 1990 Collie was in the electorate of Forrest. From 1990 to 1996 it was in Brand; from 1996 to 2001 it was in O'Connor; and it has now been moved back to Forrest. People might think that is all right and it is up to the member to let people know he is the new member of Parliament. It has been accepted that if a member of Parliament can develop an affinity with his community, it is a good thing. We should strive for a system that provides for a strong degree of representational stability.

Mr Graham: It is interesting to note that over that same period in the state system - with smaller seats - the seat of Collie remained in Collie.

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Mr BARRON-SULLIVAN: I agree. Nonetheless, at the state level there is still a potential for this problem if there are automatic redistributions every four years. That leaves the dilemma of what to do when seats get out of kilter. There are 10 seats that are 15 per cent over quota. There needs to be a mechanism to slow this down. Stability is needed in representation. It is a good reason for us to look at another solution. I am encouraged that the minister said there may be another solution. There are practical problems if there are too many redistributions, one of them being the cost to the taxpayers. The cost of the next redistribution as a result of this legislation is about \$2.5 million. A redistribution four years later would not have the same cost because the same mapping equipment and software would be used. The extra cost would be at least \$1 million.

Mr EDWARDS: I am interested in what the member for Mitchell has to say and I ask for his time to be extended.

Mr BARRON-SULLIVAN: People can ask, "What price democracy?" All these things are contributing factors that need to be taken into account. The member for Pilbara raised a point in relation to the amendment before the House. If a redistribution were conducted during the second year of each term, the boundaries of a large number of seats would change and it is not hard to envisage members of Parliament focusing on their new constituencies at the expense of their old constituencies. It is a risk. We all know what the game of politics is like and it may happen in some cases. It could lead to a deterioration in the standard of representation of individual areas. What can be done about it? The Minister for Electoral Affairs is right - there is another mechanism. There are a number that could be devised. The Opposition looked at what trigger mechanism could be put in place. We looked at the trigger mechanism that the Commission on Government recommended. This question was canvassed extensively by the commission but the commission decided not to have redistributions after each election. It recommended that a trigger should be included for an earlier redistribution if 40 per cent or more of electoral districts were above or below the quota of enrolled voters in electoral districts. In its analysis, the Commission on Government stated -

In addition to regular redistributions, it is useful to have a trigger as a fail safe mechanism. This ensures that the electoral system does not become seriously malapportioned between redistributions. Although the likelihood of serious malapportionment developing between redistributions is unlikely under the present system, it may be necessary for a trigger to be written into electoral legislation.

That is the approach the Liberal Party would like to see. There should be a degree of flexibility. If we get the opportunity to move our amendments, some members may say that the proportions we are using may not be appropriate or that the trigger should be designed slightly differently. Those are reasons this debate should be conducted by a standing committee. That is one of the advantages of having a committee structure. It is encouraging that the minister has indicated he is prepared to be flexible. However, as the member for Pilbara said, in a forum such as this it is difficult to see how we can get to that situation. I give notice that the Liberal Party is not keen to have redistributions after every election. It would be costly and would have a detrimental impact on the overall quality of representation. However, the party accepts the fact that we need some mechanism to ensure that a significant number of electorates do not get massively out of kilter with either too many or too few electors. The Liberal Party's amendment does not relate to a percentage of electoral districts in the way that the Commission on Government recommended. The amendment takes us back to the 1965 arrangement -

Mr Graham: We are not going down to Nedlands to do this in Charlie Court's lounge room!

Mr BARRON-SULLIVAN: At that time the legislation provided that if eight or more seats went out of kilter, the commission could carry out a redistribution. Even then, it did not mean that the commission had to undertake a total redistribution. For example, the affected areas might have been grouped in the north metropolitan area. In that case the commission could do some careful surgery and carry out a limited redistribution in that area. I agree with the Minister for Electoral Affairs that there is more than one way to skin a cat. However, everyone acknowledges that this legislation will create a significant problem because of the way it is based on projections.

Mr McGinty: I don't think so.

Mr BARRON-SULLIVAN: I mean everyone on this side of the Chamber and the member for Pilbara. We recognise that a problem exists and we are trying constructively to come up with a solution. The Liberal Party's preference is not to go down the path of regular redistributions, but to establish a trigger mechanism. Amendments will be moved to achieve that.

Mr GRAHAM: I refer members to four seats in the Mining and Pastoral Region. The only reason I have not included Kalgoorlie and Eyre -

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Mr Trenorden: Is this for the new State?

Mr GRAHAM: No. The only reason I have not included figures for those electorates is that they were addressed in the submissions and the changes proposed in the last redistribution were effectively urban changes; that is, the moves involved changes from street to street. It did not involve the major shifts that normally occur in country Western Australia. I will demonstrate to the Minister for Electoral Affairs and the Deputy Leader of the Liberal Party the effect of these parts of the legislation and the difficulty that they cause. Eight years ago, based on all the advice and the Australian Bureau of Statistics figures, the projected population in the good seat Burrup at the end of the cycle was 12 179 electors. As it unfolded, there were 8 864. I have not done the maths and I am a not rocket scientist, but that is about 50 per cent wrong. Why did that happen? The only thing I can say with absolute certainty is that it did not involve corruption or political machinations on the part of the Electoral Commission. The projection was 50 per cent wrong because the industries that serviced that town changed significantly over that period. Of the northern electorates, arguably the easiest to predict is the Kimberley, because it does not have massive resources development infrastructure that can throw a town's population profile into chaos. The projection for that electorate was 11 793 electors at the end of the eight-year cycle. It ended up with 9 554 electors. That was an error rate of about 25 per cent. As I said, the figure for that electorate is arguably the easiest to project because it has simple population growth. It is no different from city electorates in that regard. The electorate of Ningaloo was projected to have 10 490 electors at the end of the eight-year cycle, and it ended up with 8 004. Again, that is an error rate of about 25 per cent. I have no idea from which towns those figures came. I suspect the largest drop was in Newman, but it certainly was not 2 000. The error may have occurred partly because of the projection process and partly because of industrial changes. The good seat of Pilbara was expected to have 10 400 electors, but it ended up with 6 645. The error rate was about 40 per cent. The electorate of Eyre, which I said I would not refer to, is now compared with Wanneroo to illustrate the best and the worst-case scenarios. I suspect that something happened in Eyre and Kalgoorlie, but I do not believe that they are over quota.

This system produces an error rate of between 25 and 50 per cent on the electoral roll. We must come up with a system to improve that. This is nothing to do with one vote, one value; it is about simple equity. Those anomalies cannot remain in place. Population projections are used to set the boundaries. This is not about virtual electors; this is about pretend electors. The electoral boundaries are set using a system that produces an error rate of between 25 and 50 per cent.

Mr TRENORDEN: We will know the boundaries by Christmas next year. If the redistribution is done, the electorate of Avon could stretch from Toodyay to Pingelly. The member's interests could extend from Southern Cross to the other side of Narrogin. Do I sit in my electorate and be a good boy, or do I go to Southern Cross and Narrogin and compete with the new member for Merredin and the member for Moore? We will all know that our electorates overlap. That will be a farcical situation and will not reflect glory on this place. I agree that in the metropolitan area, as we move away from the mouth of the river, those changes will be less noticeable. Once we get to, say, Innaloo, the move might involve only 10 streets. However, the changes could involve a couple of hundred kilometres in rural areas. I will have an interest in Southern Cross if I want to hold the proposed new seat of Beverley, and that is well over 200 kilometres from where I live. The Minister for Electoral Affairs must consider that. That is the point we have been trying to make. We have seen that occur in the past. While the minister was out of the Chamber, I detailed what has happened in my home town. My electorate has at various times covered part of O'Connor, all of O'Connor, part of Pearce and all of Pearce. On each occasion the boundary changed, the electors went to see the new member, not the old member who was meant to be doing the work.

Mr McGinty: I guess that is also an argument against redistribution after every election, is it not?

Mr TRENORDEN: Yes, it is. I agree totally with the Minister for Electoral Affairs. We are talking about consequences. One of the problems is that some of the communities will be shoved in and out of seats. If redistribution is carried out every four years the changes may not be so great. Realigning vote weighting in rural seats would mean a massive change, but after the initial change other changes would not be so great, would they?

Mr McGinty: There will certainly be a major change up front.

Mr TRENORDEN: That is what I am talking about. It might be better for democracy if the greater change were for the shortest time possible. It might be better for those of us who will face these major changes if, when we go for preselection, we know about these seats 12 or 18 months before an election. It may not suit the member for Avon who might want to get re-elected, but it might suit democracy better than giving the incumbent member or some other member the finance, resources and capacity to work the new territory.

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Mr McGINTY: I suspect that we have most probably reached the point on this proposed section where there is a difference of opinion; we can keep repeating the same arguments and they will not take us very far. On the one hand, the argument is advanced that it will cause a measure of inconvenience if people represent an electorate that they know next time around will cover a different area and include different towns and, on the other hand, a measure of certainty in the usual time frame would apply if we did not amend the legislation. The view of this side of the House is that we should move to a vote on this issue. We will be supporting the proposed section as it stands and not supporting the amendment that has been moved.

I hoped that we might be able to expedite the debate by looking at the cognate group of issues which include the use of an enrolment projection, the increased frequency of redistribution and matters of that nature. During the course of the debate I also indicated to the National Party that in country areas that are not cities and where there is a static or slowly declining population, I would be sympathetic to including a provision that referred to a direction to the electoral distribution commissioners to pitch those seats at quota rather than at the upper limit of the quota, which was really the point raised by the member for Merredin.

We have heard from the Liberal Party that its members have given quite a bit of thought to the frequency of redistributions. If I understood the point of view that was being put, they are inclined to the Commission on Government view that when 40 per cent of seats are outside the quota that should be the trigger for a redistribution after every four years, otherwise it should be after every eight years. I have not extracted the figures but I have looked at them often enough.

Mr Barron-Sullivan: I said specifically that we did not go down the 40 per cent path. We would suggest the number of seats be eight, but some members might say 10 or 12.

Mr McGINTY: I thank the member for Mitchell for that clarification. The issue then seems to be that the Opposition does not support automatic redistributions every four years, which is one of the options that we were looking at. There seems to be room for debate.

Mr Graham: The Liberal Party?

Mr McGINTY: I think Her Majesty's Opposition is the Liberal Party.

It is clear one option for the redistribution mechanism will not be supported by the Opposition. Another might be, but what its contents should be certainly requires more thought and consideration, let alone drafting time outside of this debate. That is why I am increasingly coming round to the view that if there is to be a change, it is not a change that it is appropriate to make during the course of this stage of the debate on this legislation, but one about which the upper House committee might occupy its mind.

Mr GRAHAM: Politics always amaze me. Yesterday the Minister for Electoral Affairs had the option of referring this Bill to a committee that would have provided him with exactly the vehicle that he is looking for; that is, somewhere where one can sit down, not with political parties but with interested parties, and arrive at a workable solution. The minister rejected that. It was his decision. I have great difficulty now understanding what the hell we are doing here. The minister again will not shift on issues because he has again been in the closet with the Greens (WA).

Mr McGinty: Not in the closet.

Mr GRAHAM: Sorry, the minister has come out of the closet with the Greens. The minister is involved in a duplicitous process. The Legislative Assembly is an independent House that is entitled to chart its own course. There are many mechanisms whereby disagreements within the Houses can be dealt with, but the minister has chosen to take them out of this House and put them in a back room with the Greens. He has now totally subjugated this House to a committee that might be set up in the future in the Legislative Council. That is something that the Australian Labor Party fought against for 90 years.

Mr McGinty: Is it?

Mr GRAHAM: Of course it is. The minister used to rail chapter and verse at meetings of the left about the stinking squatters in the upper House doing what they were told by their party. Paul Keating called them unrepresentative swill, and the minister has just bared his butt to them.

Mr McGinty: We might take that up in some future debate.

Mr GRAHAM: The minister is probably right. It is unbelievable that the Legislative Assembly, the Parliament of Western Australia, has now absolutely no control over amendments to legislation because the minister is negotiating with the Greens. It is out of line. In the past two weeks we have stepped right back into the 1980s when secret deals were done in back rooms. I might be getting emotive and angry, but the minister has been

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

sitting in here with a series of people who are extremely concerned about this legislation. In the time I have been here, I have never seen people take a more conciliatory approach towards the minister achieving his aim, whether or not we agree with the direction in which he is going.

Mr McGinty: Do you include the Liberals in that?

Mr GRAHAM: Of course I do.

Mr McGinty: I don't.

Mr GRAHAM: The minister may not, but, of course, I do. I listened to what the Deputy Leader of the Liberal Party said. He said he agrees that the redistribution system should be based on a trigger. The minister said that. The National Party and I said that we wanted four-year terms and four-year distribution. The minister said that he wondered whether it was the appropriate thing to do or whether we needed a trigger whereby some or all of the seats were overhauled. Five minutes later the Deputy Leader of the Liberal Party said effectively the same thing and the minister did not agree with him. I sat on the Joint Standing Committee on the Commission on Government. We agreed with that position then, but the situation has changed in the past five minutes. I am not allowed to cast aspersions, but the Minister for Electoral Affairs is not playing with a straight bat. The minister is not fair dinkum; he is on a fishing expedition and this Chamber can no longer deal with this legislation. Any decision that is made in this Chamber is now subject to veto by the Greens (WA).

Mr BARRON-SULLIVAN: I will reinforce entirely what the member for Pilbara said. A lot of politics is played in a Chamber like this. One could argue that the Liberal Party has put some amendments forward in which we have pushed political points. I will cop that criticism if necessary. However, in some other areas we have made some constructive suggestions, as have the National Party and the member for Pilbara. We have all approached this Bill independently. We have not sat down in a smoke-filled room and come to an arrangement to gang up on the Labor Party and decide which areas need to be changed. We have come up with different potential solutions to some of the problems that we see in the legislation. We have been positive in our approach to the main aspects of this Bill, even though we are vehemently opposed to the so-called principle underlying this legislation. As we lost that argument in an amendment that we proposed to an earlier clause, we are now trying to suggest ways to improve defects in the Bill. I echo entirely what the member for Pilbara has said. I said in debate on the amendment to send the Bill to a standing committee that this was the first test of the standing committee process in this Chamber. It is easy for the Government to chuff legislation off to a committee that it dominates. The Government could have had the guts to send this legislation off to that committee. Some uncertainty exists, and the Government might end up with a minority report or whatever. However, who knows, at the end of that process the standing committee might have done what it was established to do; that is, to make legislative changes based on policy. This is the key point. In a bicameral system -

Mr Graham: Not any more!

Mr BARRON-SULLIVAN: The member for Pilbara has made a good point: this is meant to be the Chamber in which legislation is brought forward from the Government or from private members - invariably it will be the Government. The Government should provide its policy in the form of legislation in this Chamber; it should go through a process of debate. That is what the consideration in detail stage is meant to be about and what the standing committees were also meant to be about. Then when the legislation eventually goes to the upper House - the House of Review - the upper House checks it out, tidies it up and makes sure that it has no unintended consequences. The minister said that the Government will not make changes to this Bill, and when it gets to the upper House he is confident that it will go into a legislation committee which can play around with it and decide what should be done. In other words, the Government will let the upper House set the policy parameters on this legislation. However, that assumes it will be sent to a legislation committee. Some people in the Greens (WA) might have agreed to chuff it off to a legislation committee, but we do not know. By the time it gets up there, those members might change their minds depending on, for example, whether a deal is done behind a closed door. Is it correct that the Minister for Electoral Affairs has completed a deal with the Greens and has agreed to a six-region Chamber with 36 members of Parliament on the proviso that the Greens support the Government's model for the lower House?

Mr TRENORDEN: What I am about to say is a little dangerous and after 16 years in the Chamber I have learned to expect the unexpected. I am Leader of the National Party, which is the party that will be most affected by this legislation. The National Party was never going to be in a position to craft this Bill. Logically - and maybe in the back of the minister's mind he would accept this - if we swapped positions and, God forbid, the minister were the Leader of the National Party and I was in the minister's role, he would have come out swinging. That is what our constituency wants. They want the Government to be beaten up over this issue. I could have ranted and raved right throughout this process. Last week when the behaviour of members in this

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Chamber was pretty ordinary, I was not the one who was ranting and raving. I have tried to approach this with the two hats that I wear: responsibility to the people whom the National Party represents who have major concerns about the changes, effects and disconnection that will result; and my responsibility to make this place work. It has been pointed out to me on a number of occasions that that is a weakness of mine. However, that is how it will always be, because I will not do anything differently. I have a responsibility, as long as I am here, to attempt to make this place work. The National Party has five members in this House and in terms of the outcome of the vote, we will have no consequence whatever. We have one member in the other place and his vote will also have no consequence in the outcome of the debate. The minister said in debate yesterday that it sees no point in negotiating with the National Party. The National Party does not matter, yet it will be the most affected party in the process. To be slightly unfair, in earlier negotiations with the Greens (WA), I was annoyed with the Greens and I told them bluntly what I thought. They treated us in exactly the same way as the Government. I met with the Greens after I had met with the minister. They said clearly that they would accept change, and we could put forward our best alternative, but they will change it. The Greens put the same argument that the minister put to me, which is that the National Party does not count in this process. In the corridor today, the minister jokingly referred to the National Party's newfound position. It is not a newfound position; the minister was talking about it a couple of weeks ago. The state conference of the National Party was held a few weeks ago. A vote at that conference established that we would oppose this Bill totally. That decision was made on the basis that we were faced with the brutal numbers of the Government and the Greens. We had no option. No-one came to take us through a process. I have come to this place and used reason. I have not abused the minister once, and in the nature of this Chamber that is not usually what occurs in matters that are as hot as this is to the National Party. Unfortunately, we are in the position that I expected to be in: we are faced with the brute force of numbers. In the debate of yesterday and today I gleaned some hope that there might be a future other than the brutality of numbers.

Mr McGINTY: I apologise if I have caused any offence. It was my intention to suggest a mechanism that could accommodate some of the points of view that have been put in this debate; that was my intention - nothing more or less than that. The Government is happy with the Bill.

Mr Trenorden: And so are the Greens.

Mr McGINTY: I would like to make some improvements, but I know we will not get those through. As far as this goes, I support the Bill as it stands.

A view was put by members opposite and the member for Pilbara, in respect of the projection and the four-yearly redistribution, and members representing the National Party suggested that those districts with static or slowly declining populations should not be pitched at the upper end of the level. I indicated a measure of sympathy with that position.

If I am causing offence by suggesting a mechanism to resolve the matter, I withdraw the offer so that we can go back to debating the Bill. The clause we are debating is about when the first redistribution should occur, and I am happy that it should occur as soon as practicable after this amending Bill comes into operation. I support the clause as is, and therefore oppose the amendment as moved.

Mr TRENORDEN: It is interesting that the minister has said that in the future it should be two years, but not this time. I have listened to the minister and I still fail to see the logic of his argument. We have ample time to do it. We are racing the Bill through this House because it has to be done by 11 October, and I am proposing mechanism whereby it can be done on 11 October the year after. There is plenty of time. I have never believed that 11 October is an important date, because the Government controls this place. If the Government is able to do a deal with the Greens (WA) in the other place, it controls the other place. The Government could have three or five electoral Bills before the next election if it likes; it does not really matter. The only thing that counts is the time that the Electoral Commission takes to go through the mechanism, which the minister has already indicated will be six months at the outside. Why not go to two years? Why not have the outcome a year or 18 months away from an election, and not 24 or 30 months away from an election?

Amendment put and a division taken with the following result -

Ms McHale: There was only one voice.

The DEPUTY SPEAKER: The standing orders provide that a division requires only one voice.

Extract from *Hansard*
[ASSEMBLY - Wednesday, 29 August 2001]
p3349a-3381a

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Ayes (18)

Mr Ainsworth	Mr Cowan	Mr Masters	Mr Waldron
Mr Barnett	Mr Day	Mr Pendal	Dr Woollard
Mr Birney	Mrs Edwardes	Mr Sullivan	Mr Bradshaw (<i>Teller</i>)
Mr Board	Mr Edwards	Mr Sweetman	
Dr Constable	Mr Marshall	Mr Trenorden	

Noes (30)

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

Pair

Mr House

Dr Gallop

Amendment thus negated.

Mr TRENORDEN: I move -

Page 4, line 25 to page 5, line 3 - To delete the lines and substitute the following -

16F. Division required 2 years after a general election for the Assembly

- (1) The State will be divided into districts and regions in accordance with this Part after every general election for the Assembly.
- (2) The division will occur as soon as practicable after the day that is 2 years after polling day for the last general election for the Assembly.
- (3) The division will be based on the average district enrolment at the time of the division, being the day specified in subsection (2).

I move that amendment because proposed subsection (3) is different. We have debated the first two parts but we have not debated the third. That is what I propose to do now. This is a question about the number of people in those particular seats at any given time. It is a different mechanism from the one we have just debated with a period of four years or an automatic mechanism, as against directing the electoral commissioners to use the criteria for that day. That is an important difference and one that the National Party is very keen on. We are having this debate about one vote, one value and the Government having some authority in it, because of the difference between the electorates of Wanneroo and Eyre. We need to fix that in some measure if it is not to re-occur in the future; that is, if we go through the process, the minister wins the day, makes his deal with the Greens (WA), and the Bill is amended in the way the minister desires but the rest of the Bill remains the same. The projections into the future could very well be part of the Bill, and concern has been expressed constantly throughout the debate that in the eighth year - the year of the election - the Wanneroo experience could occur. A mechanism must be provided to ensure that situation does not occur.

The National Party's second mechanism would provide that on the day that the electoral distribution commissioners sat down to draw up the 57 districts, they would have to take into account only the criterion in the legislation at the time. That is an important criterion. Wanneroo cannot always be the growth seat of Western Australia. In a few months two seats are likely to be created in that area. I hope one will be called Wanneroo, because Wanneroo is a substantial district in Western Australia. In four or eight years Wanneroo may become a static seat. It might not grow much. Perhaps the seat next to it will grow, or perhaps Ellenbrook -

Ms Radisich: There will definitely be an electorate of Ellenbrook in not too many years.

Mr TRENORDEN: That is the point I am making. If the commissioners do not pick the shift from the northern suburbs to the eastern suburbs, we shall need a mechanism other than the one we debated for some time a few moments ago.

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Mr BARRON-SULLIVAN: We have already had this discussion. This is where we debate in earnest whether there should be a redistribution process after each election, rather than after every second election. We gave this much thought because there is a huge problem in this legislation that will appear later in the clause relating to calculation of redistributions based on projection figures.

The member for Merredin best summed up the difficulties associated with that in the second reading debate. I did not intend to refer to this issue at the second reading stage, because I thought that it could be dealt with at the consideration in detail stage. The member for Merredin summed it up very well. Again, this is the view of not only the Liberal Party, but also the National Party and an Independent member, all of whom have scrutinised this Bill in some detail and researched the matter considerably.

I will demonstrate why there is a need to enable more frequent redistributions. We took up an offer from the Minister for Electoral Affairs, who made the Electoral Commission available to members to run different types of electoral models. I am grateful to the minister for that offer. The models based on current enrolment figures and the projection models produce very different outcomes. Yesterday, I debated whether Mandurah should be located in a metropolitan electorate or in a country electorate.

I also mentioned that whether or not the National Party's amendment is passed, it is my belief that the city of Mandurah will be part of the South Metropolitan Region, even under the Government's legislation, because of the way the projection system works. I say that because when we did our modelling through the Electoral Commission, we found that under the Government's legislation, some 19 000 electors in the city of Mandurah will need to go into the South Metropolitan Region. When it is modelled on current enrolments, Mandurah will remain in the South West Region. That is the difference between a redistribution process in accordance with the projection requirements of this legislation, and a redistribution process in accordance with existing enrolments. If, under this legislation, the projections were wrong, we could end up with some crazy results. It would create a huge potential for error if the electoral commissioners in the year 2002 must project to the year 2006 in order to determine the quotas and work out the boundaries. Members repeatedly examined the situation in 1994 when the electoral commissioners took into account demographic changes and tried to do some projection modelling. At that time, we ended up with the present-day situation.

Earlier, I held up a chart provided by the Electoral Commission, which showed that in my region, 10 of the districts are more than 15 per cent over the quota. Fourteen years ago the Government had three-year terms. Some hefty demographic changes would occur over eight years in some areas. Some form of electoral distribution model is required. As I said earlier in my discussions with the minister, the Liberal Party would prefer a trigger mechanism. Having said that, the minister has indicated that he will not support any of these amendments. As a symbol to indicate that the Liberal Party recognises there is a need for some mechanism, I suggest to my colleagues that we support the National Party's recommendation, although it is our second preferred option. The Liberal Party would prefer a trigger mechanism. However, as a demonstration to the Government that we are sincere in our belief that there are some inherent problems in this legislation and that something must be done to prevent the figures going out of whack, I am inclined to recommend to my colleagues that we support this amendment.

Mr TRENORDEN: As I said before, we want a mechanism other than the mechanism to which the Deputy Leader of the Liberal Party referred. I had not thought about an automatic mechanism. I have not even examined the federal mechanism. I am curious as to how that might work. If a given number of seats needed to be provided and that triggered a redistribution process, is there a minimum period in which that would have to occur? Does the federal legislation provide that that must occur after two or three years? I am not aware of the number of seats in the House of Representatives.

Mr Cowan: It has 148 seats.

Mr McGinty: The member for Merredin seems to know a lot about the federal sphere these days!

Mr TRENORDEN: I understand that he has turned into somewhat of a student on it.

That is approximately three times the number of seats currently in this Chamber. The minister might be able to tell me what is the percentage of seats in the federal system. Is it 25 per cent or 15 per cent?

Mr McGinty: I do not remember off the top of my head. It is something in that order.

Mr TRENORDEN: Whatever it is, if we got to that situation, I would find it hard to imagine how we could have a partial redistribution. Maybe that is possible in the metropolitan area. If seven or eight seats were in the metropolitan area, there might be a mechanism whereby the electoral boundaries could be moved only a few streets.

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

However, it would be more difficult to change a boundary in a country region, particularly in the north west. I understand some of those seats in the north west have experienced a gradual decline in the number of voters.

Mr McGinty: Yes; in all electorates except Kimberley.

Mr TRENORDEN: That is sad. Everyone in this place should be working hard to encourage the retention of the population in the north west of this State. Apart from a few weeks around Christmas, Kununurra is one of the nicest places on earth; although for a few months of the year, it is like living in a fish bowl.

Mr D'Orazio: That's when people migrate south.

Mr TRENORDEN: They fly south?

It is a pity that the population in those seats is declining. The argument for a trigger for an automatic redistribution would be obvious in growing seats such as Wanneroo. I imagine such a trigger would also apply to declining seats such as Eyre; that is, a redistribution would occur when the population of an electorate dropped below the quota. That would be very difficult to manage. It would be impossible to do in places such as Kimberley. The minister indicated that he is prepared to consider whether redistributions should be automatic after four or eight years. I am not convinced that an automatic redistribution would be workable. However, I have had only tonight to think about it. I will not be involved or have a say in the deliberations of the committee in the other place. I do not want to be hard, fast and brutal and say that I am not prepared to consider the idea; I want someone to convince me that such a mechanism would work. The mechanism contained in my amendment directing the commissioners to take note of the circumstances of the day would work.

Mr BARRON-SULLIVAN: I said earlier that one of the difficulties in framing amendments for this legislation was deciding the arbitrary limits. A trigger mechanism can be set in a number of ways. The Commission on Government said that a redistribution should take place if 40 per cent or more of electoral districts were above or below the quota of enrolled voters in electoral districts. We were going to suggest an arbitrary figure of eight seats that would need to be more than 15 per cent above or below quota for a redistribution to occur. Our idea was for redistributions to take place according to a cycle similar to the one recommended by the National Party: if, as happened after the 1994 redistribution, a large number of seats end up being way off target within the first term of government, a redistribution would automatically go ahead in the way proposed by the National Party. However, if the figures are right - we have said that we have every confidence in the electoral distribution commissioners in this respect - and there are no unexpected blow-outs or significant reductions in population within districts around the State, there is no reason why we should not wait two terms before going through the somewhat expensive redistribution process.

I said earlier that it is not only about money, although an ordinary redistribution costs well over \$1 million. The redistribution under this legislation will cost at least \$2.5 million. We are trying to provide some continuity of representation in electoral districts and in the individual regions and areas of those districts. I used the example of Collie, which over the past 10 years has swapped between four seats and, consequently, four parliamentary representatives. We are asking how we can provide a system that allows continuity and stability of political representation while enabling some flexibility if an excessive number of seats go too far off quota. Members might say that eight is too many, and that a redistribution should occur if six seats go off quota. Alternatively, they might say that the Commission on Government got it right and that a redistribution should occur when 40 per cent of districts should go off quota. Whatever the arbitrary figure, a trigger is the preferred option.

Something has to be done. The minister has made it clear that he will not support this amendment. I imagine that he also will not support our amendment. I accept his argument that the Standing Committee on Legislation in the upper House could look at this and come up with alternative legislation. However, that assumes that that committee will look at the legislation and make recommendations. I point out that the more we load onto a legislation committee in the upper House, the more our colleagues in the Legislative Council would be encouraged to indicate that they need more time to consider the matter. Any work we can do during this consideration in detail stage will enable the faster passage of this legislation through the upper House. I am in no great rush for this legislation to hit the streets. If the legislation committee wanted to go away and work on this for a long time, I would not stand in its way. However, I would have thought that the minister would want to tidy it up now. The member for Pilbara suggested we could look at it behind closed doors.

The minister did not answer my earlier question. I am still keen to know whether the Labor Party, particularly the minister, has done a deal with the Greens. Will they accept this legislation in return for the Government's acceptance of their model for the upper House?

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Mr McGINTY: I am sure the member would like to know. We will not accept this amendment. I think most members agree that it is not what we really want to happen. Even the Liberal Party has said it is not the favoured option. Proposed subsection (1) requires automatic redistributions to take place after every general election. The Liberal Party has indicated that that is not its policy position. It would, however, support a redistribution sooner than every eight years if an appropriate trigger were inserted into the legislation. The amendment does not reflect what the Labor and Liberal Parties want. It has been conceded that arguments about this issue will always occur. Everyone in this place, except the member for Pilbara, generally agrees with proposed subsection (2); that is, that redistributions should occur two years after an election rather than the current one year. Proposed subsection (3) requires that a redistribution be based on the enrolment at the time of the redistribution and that it would tell the electoral distribution commissioners to disregard the demographic trends. Under this amendment, the electoral distribution commissioners would base their redistribution on the figures available at the time of a redistribution without regard for what is likely to occur in those areas.

That seems to me to be what it is saying. In my opinion, it is not what the House wants to see.

Mr TRENORDEN: It is interesting how attitudes have changed in 20 minutes.

Mr McGinty: Not at all.

Mr TRENORDEN: They have. A while ago the minister was saying things with goodwill. He could hardly say that his last statement had reasonable goodwill. The minister has already won the argument that there will be a redistribution on 11 February 2002. The time after that will be two years after the next election. I am arguing for only three years, not one or two. The commissioners should consider the time intervals. If the other place accepts a four-year term, the commissioners should be told to make a decision before the election.

Mr McGinty: There has not been a change in attitude on my part. I suggested that "in good faith" means by which to resolve some of the issues. I am trying to accommodate something that is not my favourite option but one that I am willing to accommodate if there is a general consensus. I was severely criticised.

Mr TRENORDEN: Not by me.

Mr McGinty: Not by the member. He has been measured in everything he has said. It makes one reticent to make helpful suggestions if one is going to cop both barrels. I rate it no higher than that.

Mr TRENORDEN: I hate to point it out but that is why the minister gets paid. The minister gets about \$180 000 a year for that reason. It is a fair bit of ointment to soothe the burns.

Mr McGinty: I am not spitting the dummy.

Mr TRENORDEN: The minister is awfully close.

Mr McGinty: I am still here.

Mr TRENORDEN: I am, too, and I have several of my members beside me. The best thing the National Party can do in terms of presentation and politics is to spit the dummy and leave and put out a press release tomorrow. We are not doing that because each of us has a responsibility to try to make this place work. We would be better off politically to do that. That is the nature of the world. We have considered two mechanisms and we like them both. If the minister or someone else can tell me how an automatic mechanism work, I am not opposed to looking at it. I cannot see how it would work whether quotas were up or down, particularly in country seats. If the redistribution were to occur two years after the election, why would we not tell the commissioners to take the factors into consideration? We still have proposed section 16L that lists the six considerations that the commissioners must observe. It would be the intention to tell the commissioners to take them into account if an election were a short time away.

Mr McGinty: Yes.

Amendment put and negatived.

Mr TRENORDEN: I move -

Page 5, lines 12 to 18 - To delete the lines.

Proposed section 16I(2)(a)(i) states -

invite written suggestions relating to the division of the State as required by subsection (1) to be lodged with the Commissioners within 30 days from the day of the publication of the notice in the *Gazette*; and

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Thirty days is a short period. We want that time line of 30 days to be extended to 42 days. In other words, we want to add a further 12 days, or two working weeks, to the time within which written submissions can be made. We believe the minister will agree that 30 days is not a long time.

Proposed subparagraph (ii) states -

invite written comments being comments on the suggestions lodged under subparagraph (i) to be lodged with the Commissioners within 14 days from the expiration of the period of 30 days referred to in that subparagraph;

We are talking about a quick process. What is the reason for the speed? A large number of people will be interested in this substantial change and will want to make comments. We want that time line of 14 days to be extended to 28 days.

Mr McGINTY: The current time limit is 30 days, and no change is proposed. The point raised by the member for Avon is that if we retain the projection time notion - in other words, a projection of what the population will be four years hence - additional time will be required to prepare submissions. The commencement of the redistribution process is directed by statute - that is, one year after every second state election. In this case, the process will commence on 10 February 2002. The new legislation will require the electoral commissioners to begin their redistribution by placing a notice in the *Gazette* and a newspaper circulating throughout the State, inviting written suggestions relating to the division of the State to be lodged within 30 days from the date of publication of that notice. People know well in advance the date of the commencement of the redistribution process - we all know it will be 10 or 11 February next year. Those who are interested know the law and the date on which this process will commence. It is a statutory requirement; it is not as though someone wakes up one morning and decides to have a redistribution and, in so doing, catches people short. If that were the case, I could see the argument for an extension. I am not aware that the 30-day time limit has presented any problems in the past. I cannot think why the new process would create additional difficulties, other than this factor of the population projections, which might mean more time is required to fully understand and deal with those issues. The Government has sought to resolve that difficulty with a later provision requiring the electoral commissioners, in formulating their proposals, to set out the projections upon which they have relied. Those figures will be published and made available to anyone who wishes to participate in the process, not necessarily at the beginning but during the course of it, once the commissioners have presented a proposal. If the move to more frequent redistributions is successful and projections are no longer necessary, this amendment will also not be necessary.

Mr TRENORDEN: Despite what the minister and I may think, people are not aware of the details of this legislation.

Mr McGinty: That is correct.

Mr TRENORDEN: And they will not be aware of the details by 11 February. We have both been in this game long enough to know that many will base their efforts on their perception of the outcome of the debate, not the reality.

The minister is absolutely right. On 11 February, for plenty of reasons people will know that the submissions are open. That will be public knowledge. However, if the minister wandered outside this Chamber now into his own electorate, I bet people there would not be able to tell him about the provisions of this Bill. They would be able to tell him what he has been arguing about, and they might even be able to tell him what I have been arguing about, but they would not be able to tell him about the machinations of the Bill. The legislation will go to the other place and come back to this place. A range of things will be somewhat different from what they have been in the past. In every other distribution, the mechanism has been fairly clear. This time it will be confused, and, as I conceded when I spoke previously, the next time it will be less confused. However, this time it will be confused.

Amendment put and negatived.

Mr TRENORDEN: I move -

Page 6, line 6 - To delete "14" and substitute "28".

Amendment put and negatived.

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Mr TRENORDEN: A long range of consequential amendments appear on page 10 of the Notice Paper. All those amendments relate to matters that we have dealt with, until we reach the amendment relating to page 8, line 5. Therefore, I move -

Page 8, lines 4 to 21 - To delete the lines and substitute the following -

- (a) the number of electors comprised in a Metropolitan Area district must not be more than 10% greater, or more than 10% less, than the average district enrolment;
- (b) if a district in a non-Metropolitan area has an area less than 200,000 square kilometres the number of electors comprised in the district must not be more than 20% greater, or more than 20% less, than the average enrolment for districts of the type specified in this subsection;
- (c) if a district in non-Metropolitan area has an area of more than 200,000 square kilometres the number of electors comprised in the district must not be more than 25% greater, or more than 25% less, than the average enrolment for districts of the type specified in this subsection; and
- (d) community of interest will be a significant guide in establishing the boundaries of districts within the parameters of paragraphs (a), (b) and (c).

Again, this comes down to some of the core concerns of the National Party, particularly paragraph (d). We are again focusing in paragraph (d) of the amendment on community of interest. When we debated this issue yesterday, I am not sure that the minister picked up this point. I am not delaying. I want the minister to focus on this for a moment, if he does not mind. I refer to proposed section 16L. The National Party wants community of interest removed from proposed section 16L(a) and placed at page 8 of the Bill. Does the minister understand?

Mr McGinty: Yes, I do.

Mr TRENORDEN: The purpose of that is to give greater emphasis to community of interest than currently can be delivered, either by the current legislation or the Government's Bill. I will point out to the minister again that when this matter was considered previously, community of interest was completely swallowed by proposed section 16L(f). When a computer model is created - and I am not picking on them for doing a computer model, that is logical - even the minister has omitted in this debate, to consider how community of interest can be built into a computer model. It cannot be done. It is a subjective attitude. The commissioners, with all their good intent, will go to proposed section 16L, and try to build that into a computer model. The fact that 16L(a) will not fit will elicit the same response as happened eight years ago. The Government tried its level best, but these are things that cannot be put into a model. I understood that the minister had some compassion for community of interest. The National Party wants it made clear that community of interest is of more importance in the establishment of this Bill than is provided for in proposed section 16L.

Mr McGinty: Ever since I was a boy in Wundowie, in the electorate of the member for Avon, I have always had that view.

Mr TRENORDEN: There is a slight problem with the amendments I am moving now, because they refer to the metropolitan area. As was pointed out earlier, however, if the Government by some miracle accepted this amendment, there would be a consequential change in the drafting of the Bill. This is basically what the minister and I have been arguing about.

Mr McGinty: Yes. This is the nub of it.

Mr TRENORDEN: That is why I want the minister to focus on it. Sections 16L(a), 16L(b) and 16L(c) clearly spell out to the minister the attitude of the National Party. I do not want the minister to pass up the interest that we have in community of interest.

Mr EDWARDS: I find community of interest a warm fuzzy phrase, which perhaps needs to be better defined. I think the Leader of the National Party is saying that perhaps the House needs to go a little deeper into what community of interest means. I can make some suggestions, like economic and industrial interests, within the community of interest, and ecological characteristics. I am giving a list, but I wish to broaden the concept a little. School catchment areas are included in the list, along with journeys to and from work and shopping, regional road networks, sporting and social organisations, cultural links, postcode areas, and regional development areas. All are aspects of community of interest that could be thought relevant by the commissioners. Community means all the people living in an area, and interest indicates concern, or curiosity, depending on how it is defined. The thinking on what community of interest actually is should be broadened.

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“The trend of demographic changes” referred to in proposed section is another fairly broad, warm and fuzzy phrase, which really does not define any specific consideration. Perhaps political fairness may be a better phrase. It is more definitive and descriptive. Moving eight seats from country Western Australia to the metropolitan area is not, in my book, political fairness, but I am slightly lost about what is meant by “the trend of demographic changes”. Fairness is unbiased, and reasonable; it means equity, balance, evenness, and, to pull in the representation aspect, it means speaking up for the people a member is representing. Perhaps some thought could be given to the suggestions for community of interest and those trends for demographic changes.

Mr McGINTY: The question of what is community of interest is obviously fairly nebulous. I refer to the indicative maps that have been prepared by the electoral commissioners - I emphasise that they are only indicative maps - of what the new system might look like if this legislation is passed. To the north of the State there is obvious community of interest with all of the Kimberley shires being in the one seat of Kimberley. That includes the geographical area and the local government areas, which have a great unity. That reflects the current community of interest in a way in which the current electoral boundaries do not. To take the Shire of Halls Creek - a very large part of the region we all know as the Kimberley - out of the seat of Kimberley would rob it of its community of interest. To link it in with the seat of Pilbara in order to make up numbers would be the most blatant denial of community of interest in the current system.

Mr Edwards: What I am saying is that there are other aspects of community interest and maybe they should be included.

Mr McGINTY: They are the sorts of things one would look to as community of interest. As I understand the point raised by the member for Avon, he is concerned that people know what community of interest is. I will provide an example from my own area. I know country members tend to be dismissive of any community of interest in the metropolitan area, or they tend to think that the metropolitan area is one great community of interest. In my area I have two places in the extreme. Part of the City of Melville is out of the extreme, and country members might find it hard to relate to that. However, it is not the same as being part of Fremantle.

Mr Cowan: There are no cappuccino strips in Melville.

Mr McGINTY: That too. Cockburn Waters on the southern boundary of my electorate is an area of fairly expensive housing with expansive ocean views; it is not like the area of South Fremantle where I live and it is only five minutes down the road. They are only minor matters, and for me it is not such a major issue, but there are a number of areas in the current electoral system where electoral boundaries are drawn up, which are quite offensive to the notion of community of interest. Looking again at the indicative map drawn up by the Electoral Commission, Mt Newman has been in the Kimberley in the past and it has nothing to do with the Kimberley -

Mr Cowan: No, it was in the Gascoyne.

Mr McGINTY: I thought at one stage in some maps that were drawn up going back to the seventies -

Mr Cowan: That was the subject of a very tight vote in this House at one stage when it was sought to place that area in the Kimberley. It never made it.

Mr McGINTY: I am appreciative of that. Was that the issue involving Ian Thompson?

Mr Cowan: Yes, consigning all the well-known Labor strongholds to one seat and having more marginal areas hotly contested. It never came about. I might be wrong about that, but I think I am right.

Mr McGINTY: I certainly remember it being spoken about, and I am indebted to the member for Merredin for that. It would obviously have no community of interest.

Mr Cowan: None at all; nor would it have it with the seat of Gascoyne, or Ningaloo as it now is.

Mr McGINTY: That is right, and Newman is part of the Pilbara. Members may be able to make an argument for the East Pilbara Shire other than Mt Newman. The remote Aboriginal communities might have an affinity with the Kimberley area, particularly the southern parts of the Shire of Halls Creek or, for that matter, with the Pilbara Aboriginal communities further to the west. There are difficulties. No matter what we do with Mt Newman, anything other than putting it into Pilbara seems to be a blatant denial of community of interest. Those issues can be raised. The electoral commissioners must always make those accommodations and compromises. The point of view put by the member for Avon is that the Act needs far stronger instruction to place weight on community of interest, whatever that might be, to avoid those anomalies.

Mr COWAN: I will take that a step further. I am pleased to hear the Minister for Electoral Affairs acknowledge that this issue must be strengthened and that the imbalance that exists when the commissioners make their

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decisions must be addressed, because it is easy for the commissioners to follow a computer model. The problem that sometimes arises is that mining is a predominant feature of the landscape in Western Australia. Even in the rich south west, which a lot of people associate with fine agricultural products and even finer wines, a great amount of mining occurs. The south west is not locked into that alone, but it cannot be taken out because it is not on the periphery of an area that might be determined to be either the South West or the Agricultural Regions. There is an immediate degree of conflict about what constitutes a community of interest with shires such as Yilgarn and Esperance. The Shire of Yilgarn has a mix of mining and agricultural industries. To my knowledge the Shire of Esperance has very little mining - it might have a collection of salt, but that is about all - but it is a major regional port which services the mining area. Someone might say that a community of interest exists in Esperance. It is on the periphery of one region and, as a consequence, the commissioners will be required to give serious consideration to it, which they do. The commissioners can go back to a computer model to see that the numbers are skewed. The minister spoke about the Shire of Halls Creek and the town of Newman. The same predicament applies here, but it is dismissed to a certain extent because it is not quite as clear cut. Both agriculture and mining occur in the Shire of Yilgarn and the seat of Merredin currently contains about half the Shire of Yilgarn. The boundary line goes around Southern Cross, runs west of Marvel Loch and takes in the majority of the agricultural area of the Yilgarn shire. The minister would not have to be a Rhodes scholar to know that the Yilgarn shire does not look at that line and then say that a particular matter should go to the member for Eyre or to the member for Merredin. The shire goes wherever it thinks it can get the best deal.

A clear message has been sent to the commissioners that we expect community of interest to have greater importance than demographic shift or getting the numbers right. The minister has agreed with that concept and used two good examples about members who have clearly been inappropriately placed in certain seats. I would like to think that we can go beyond that and look at some of the other areas that are peripheral to either the Mining and Pastoral Region or the Agricultural Region. They will be subjected to considerable pressure unless the commissioners are given clear instruction that not only does community of interest have a role to play but also they can juggle those figures without immediately putting themselves at risk of being outside the criteria for demographic trend.

Mr TRENORDEN: I am not sure whether I understood what the Minister for Electoral Affairs said about Fremantle. Most people in Fremantle would say that, of all places in Western Australia, there is, and has been, a community of interest in Fremantle - even before the America's Cup.

Mr McGinty: Perhaps it was even stronger before the America's Cup.

Mr TRENORDEN: Maybe; however, there is no doubt about the feeling of the people of Fremantle about Fremantle. The minister has indicated that he has some sympathy with this matter, but he has not indicated how, if some other mechanism were facilitated, the minister might go through that process. The Opposition, in a reasoned debate, has indicated why community of interest should be deleted from proposed section 16L. We do not believe it should be in that proposed section because it is more important than the other points. Shire boundaries are referred to at the bottom of those points. The minister and I will not be confused about an existing shire boundary; however we could have, and have had, a debate about the meaning of "community of interest". Community of interest has been well defined because the issue has been through the Supreme Court of Canada twice.

Mr McGinty: You have some interesting attachment to Canada that I must inquire about. It has dominated the member's contribution to the debate.

Several members interjected.

Mr TRENORDEN: Just put two fingers in your ears for about two minutes and I will tell you.

Mr McGinty: Not publicly!

Mr TRENORDEN: I approached the member for Ballajura, who is now the Chairman of the Public Accounts Committee - good luck to him, that is fantastic.

Mr Cowan: He is off to Canada.

Mr D'Orazio: Who is off to Canada?

Mr TRENORDEN: The member for Ballajura, we just moved that motion.

At the Australasian Council of Public Accounts Committees conference held in Fremantle, a motion was moved to form a worldwide body that expressed an interest in accountability and process in Parliaments. That motion went to Canada, which has now adopted it. The secretariat, located in the federal Government of Canada, has

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established a process whereby other countries that want to develop systems similar to the Public Accounts Committee and other accountability mechanisms can use that as a model. I would like the member for Ballajura - if he feels that way inclined, because I am no longer a part of the Public Accounts Committee, and it is for the committee to decide - to bring that process to the attention of the House one day, and ask members to voluntarily join that organisation to support accountability in Parliaments. I have been to Canada three times with the Public Accounts Committee. I have an interest in Canada because of the Reform Party of Canada and its politics. If members want to learn about Australian politics and look in the rear vision mirror, Canadian politics are the rear vision mirror.

The amendment to proposed section 16J(b) refers to a non-metropolitan area that has an area of less than 200 000 square kilometres. The Government's legislation refers to 100 000 square kilometres.

Mr McGinty: That is right.

Mr TRENORDEN: No seats fit between those two figures.

Mr McGinty: You do not know, there might be.

Mr TRENORDEN: Whichever way the electoral boundaries are drawn, no seats will fall between those two figures.

Mr McGinty: On the indicative maps that have been prepared by the Electoral Commission, both Moore and Roe get over 100 000 square kilometres.

Mr TRENORDEN: Yes, they would be in that category. There will be a bucket in one category and few in the other. That is why this amendment differs from the Government's legislation in respect of three categories.

Mr COWAN: I add to my earlier comments. This amendment would also apply to those seats peripheral to the metropolitan area. The minister has said on a number of occasions that he does not intend to seek any great variation to the current electoral boundaries, but he used an example in which areas with close proximity to Mandurah, such as Secret Harbour, might be shifted to a seat with its nucleus in the south rather than to the north of that community or area. The same could be said for all those seats that do not enjoy a natural barrier from the capital city of Western Australia. We are fortunate in this State - some people might disagree - that the capital city of Perth has some natural barriers such as the escarpment in the east and reserved pine plantations in the north. However, some corridors still flow through. People in those areas would be as disappointed as those in the shires of Halls Creek, Newman or Yilgarn to discover they are to be removed from the area with which they have a greater community of interest. The shire of Yilgarn has been split down the middle. Someone has decreed that to make up the numbers in the Mining and Pastoral Region, the populations of the towns of Bullfinch - not that it added much - Southern Cross and Marvel Loch would be allocated to that region. The member for Eyre was suddenly faced with a much expanded area at the western end of his electorate, which he must service from Kalgoorlie. This amendment has not been designed to support only those electoral districts that will fall within the Agricultural, South West or Mining and Pastoral Regions. It looks at the broad range of communities of interest across Western Australia. The amendment takes all the electoral districts into account and clearly tells the electoral distribution commissioners to consider communities of interest. The National Party is not seeking to implement something that is exclusively for country regions, although the amendment would have a greater application in regional Western Australia. However, it will also be needed in those seats that fall on the periphery of the metropolitan area.

Mr BARRON-SULLIVAN: This an interesting discussion. I reinforce the comments of the member for Greenough. The Liberal Party also gave a great deal of thought to the question of community of interest. It is interesting that different people are reaching similar conclusions in a different way. We are coming at things from a different angle, but all on this side of the Chamber realise that changes need to be made. The National Party's amendment is interesting. It focuses on seats of a particular size. I understand the logic behind the reference in this amendment to communities of interest. The concept is also referred to in proposed section 16L, and that should remain.

The community of interest concept needs to be considered in more detail. Once again - I hate to say it - it is one of the things that could and should have been considered by a standing committee. The Liberal Party has an amendment to proposed section 16L that relates to community of interest. I think it is important that we spell out what it means.

Community of interest can mean anything and everything to anyone. In 1994 the Labor Party made a submission to the Electoral Commission that there should be a long, narrow coastal seat in the northern suburbs. Coincidentally, it corralled the areas of strong Liberal Party support. I accept the member for Merredin's view

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that community of interest has a particular meaning in regional areas. It is something that needs a lot of overall attention. In 1994, we ended up with a situation in my neck of the woods under the first redistribution in which a suburb of Bunbury was linked to Nannup, and later, to Margaret River. In accordance with the legislation and the requirements that the electoral commissioners had to fulfil, it was a correct outcome. A lot of people scratched their heads over how a suburb of Bunbury could end up in the same electorate as Margaret River. From the electoral commissioners' point of view it was a correct outcome.

The member for Greenough has asked what community of interest means. We need to ask why it is in the legislation. It involves assisting and providing better representation. All other things being equal, if an electorate is predominantly agriculturally based or it encompasses a number of heavy industrial areas, it lends itself to the local member of Parliament focusing his attention on those particular economic or social aspects. When the electoral commissioners were looking at the boundary of the Agricultural Region some years ago they flew over Yilgarn to decide where the boundary should be. That was their way of determining not just community of interest, but land use.

I mentioned economic and industrial interests a moment ago. There is a logical argument there. The member for Greenough has gone through the same list that I have and one can think of things such as ecological characteristics. One might think that is the sort of thing that the Greens would say, but it actually makes a lot of sense. The economic and social development over the past hundred or so years in areas with similar rainfall is very similar. If some areas lend themselves to timber growth, the chances are that there will be a timber industry - or that there used to be a timber industry. The same applies in agricultural regions. There are other factors such as cultural links, schooling links and road links. I understand where the National Party is coming from on this. I would like to have given the clause more thought, as we are discussing heavy issues. Once again, it is another reason that the Bill should have been referred to a committee.

Mr TRENORDEN: I said about 15 minutes ago that I hoped the minister would consider some accommodation of community of interest. We will divide on this issue because it is a core issue. The minister has thrown this at us four or five times. He should be in no doubt as to the position of the National Party. Does the minister think it is reasonable to give further consideration to proposed section 16L(a)? The National Party is passionate about this, but not because it will change the world for the benefit of the National Party. We believe it is an important component in the deliberation and drawing up of seats - including the minister's. If this does not happen, it will not sink the National Party. However, each of us has a strong feeling about this issue. As the minister has said about his days in Wundowie, there is something about living in country areas, and we like this community of interest. Yesterday we discussed local government and how communities in Victoria and Tasmania had been hurt when they had lost part of their identity by being amalgamated into other communities. This amendment will not save the National Party in any way, shape or form. However, we believe that as this legislation goes through the decades, community of interest will be an important consideration. Although I acknowledge that it is in the Bill, we do not want that consideration to be lost on the basis that when the commissioners go through the mechanics of operating under the legislation, community of interest will not fit into their computer model.

Mr McGINTY: I am sympathetic to that argument. However, I do not immediately have in my mind a form of words or a mode of expression that will give effect to what the member and I both want to achieve; that is, that far greater weight be placed on community of interest.

Mr Trenorden: Or even the other point of view that it will be overlooked because of the functions of the commissioners.

Mr McGINTY: Sure. I am at one with the member on that matter. If there were an easy way to do it, I am fairly sure that during the member's time in government it would have been done. I do not know that there is an easy way to do it.

Mr Trenorden: We never introduced it.

Mr McGINTY: I am sorry. I will rephrase that. If there were an easy way to do it, I suspect it would have been done.

Mr Trenorden: I do not think that is a fair comment.

Mr Cowan: I can tell you how it came about. It came about after the legislation in 1988, and it was never anticipated that it would be the predominant feature of the criteria to the extent that it would shunt everything else to one side. We have now had a second redistribution using the same criteria, and that has reinforced the fact that the trend of demographic changes has overridden everything else. We are now seeking to change that.

Extract from Hansard
[ASSEMBLY - Wednesday, 29 August 2001]
p3349a-3381a

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Mr McGINTY: The way in which this legislation is drafted will exacerbate that trend by the use of forward projections, in addition to the criterion of the trend of demographic changes. I understand that, but I do not know how we can express in legislation what I think we are all aiming to achieve.

Mr TRENORDEN: I suggest another way is that proposed section 16L(f) be deleted, because if the minister were to agree to a mechanism of four years, we would not need paragraph (f).

Mr McGINTY: In that context, that may be able to be done. However, the form in which this amendment is expressed will not necessarily achieve what the member and I collectively want to achieve. It may be nice for the member, but it will not be nice for me. There may be another way in which this concept can be expressed, and I am more than happy to see whether it can be incorporated into this Bill. I cannot take it much further than that, but it is something that I will genuinely pursue outside this debate.

Amendment put and a division taken with the following result -

Ayes (16)

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

Noes (30)

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

Pair

Mr House

Dr Gallop

Amendment thus negatived.

Mr BARRON-SULLIVAN: Early in the debate, the Leader of the National Party proposed an amendment so we could walk through this Bill step by step. Unfortunately, that was not agreed to and we are now drifting around, partly because of the way in which the debate has developed. Members on this side obviously determine any amendments they wish to raise in some sort of sequential order. As one amendment is defeated, or as the minister decides that he is not interested in allowing any amendments, the approach that we take must change. Therefore, at this stage, unfortunately, we will start to bump around a bit.

To start with, I will go back to proposed new section 16C, in clause 4 on page 4. I would like an explanation, please. Proposed section 16C deals with electoral districts and representation. We have had some discussion on this. It simply divides the State into 57 electoral districts. The provision reflects the intention of the previous sections 18 and 19 of the Constitution Acts Amendment Act, which provided for 57 single-member districts. I understand that the other Bill, the Electoral Distribution Repeal Bill, keeps the provision in the Constitution Acts Amendment Act. As a result of all these legislative changes, what will be the degree of entrenchment in the number of members of Parliament? Obviously, the constitutional legislation - I will call it that to keep it short - provides for a referendum, should it be the wish to reduce the number of members and so on. However, once all these legislative provisions are in place, what degree of entrenchment will still apply in the number of members of the Legislative Assembly?

While we are on the subject of entrenchment, proposed new section 16D, which is on page 4, clause 4, deals with the division of the State into six electoral regions. At the moment any changes to the Electoral Distribution Act would require an absolute majority in both Houses of Parliament. However, by scrapping the Electoral Distribution Act and putting the upper House provisions in the Electoral Act instead, to what extent does it leave the Government open to change the composition of the upper House in the future, using only a simple majority

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in both Houses? I am interested in some comments on what happens to the degree of entrenchment in the upper House and, indeed, in the Legislative Assembly once all these amendments are in place.

Mr McGINTY: Entrenchment can be done in a variety of ways. I need greater clarity in the member's question to be able to answer it, because the member is seeking a legal opinion. I am happy to proffer one, provided the question is articulated with sufficient clarity.

Mr BARRON-SULLIVAN: Let us take it one step at a time. In the upper House, once all these legislative changes are enacted - assuming they get through both Houses, are proclaimed and assented to - would there be any requirement for an absolute majority of both Houses of Parliament to change the composition of the upper House?

Mr McGINTY: In some circumstances, yes.

Mr Barron-Sullivan: Could you elaborate?

Mr McGINTY: The member is asking me a hypothetical question. As I said, if the member can give me a precise question, I will give him a precise answer.

Mr BARRON-SULLIVAN: How much more precise can I get? If the Government of the day wished to increase the number of members of the Legislative Council and to change the composition of the Legislative Council to, say, a six-region model - let us take the Greens (WA) model - would there be a requirement for an absolute majority in both Houses of Parliament, in accordance with all the electoral and constitutional legislation, once these Bills were enacted?

Mr McGINTY: The answer to that question is that provided the model to be adopted did not decrease the number of members of the Legislative Council, there would be no requirement for a special majority.

Mr BARRON-SULLIVAN: I appreciate the advice of the minister in that respect. That is one of the very significant concerns that the Liberal Party has. I now take members to page 10, clause 4 on which is proposed section 16N, headed -

16N. Effect of notice dividing the State into districts and regions

It is the intention of the Opposition to move to insert a new clause. It is not certain how much longer consideration in detail will last, and this is one of the most important amendments required to this legislation. I move -

Page 10, after line 20, to insert the following -

16O. 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 repeal or amend this Part, including this section, 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 significance of the Minister for Electoral Affairs' answer to my question a moment ago is that we are now seeing a very fundamental change to the State's electoral legislation. Back in 1904, I think it was - the minister can correct me if I am wrong - the electoral legislation of the day was formulated after taking out of the constitutional legislation some very important entrenchment provisions. As much discussion has taken place on this matter in the second reading debate in particular, I will not go through it in detail. Essentially, entrenchment provisions ensure that a very important piece of legislation, particularly one dealing with fundamental principles of electoral systems, will be just that little bit more difficult to change than other legislation. Dealing with something as important as one vote, one value, or variances in individual seats - very important electoral principles - the idea is that in some way or another there should be an entrenchment provision. There used to be an arrangement, under section 13 of the Electoral Distribution Act, that any change to that Act required an absolute majority of both Houses of Parliament. The Commission on Government went one step further and said that that was not enough when dealing with equal voting, or one vote, one value. Things of that nature should be enshrined in the Constitution, and should have an entrenchment provision requiring a referendum to change them. Indeed, to cement such provisions into the Constitution in the first place should require a referendum. The Commission on Government recommended a very heavy entrenchment provision. At the very least, there used to be a requirement under section 13 of the Electoral Distribution Act that each House of Parliament would be required to come up with an absolute majority for any change to that Act to be put into effect. Not only is that

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being circumvented - I have used some derogatory language to describe the process the Government is using do that - but once the amended electoral legislation comes into force, there will no longer be any entrenchment provision. What was taken out of the Constitution and put into legislation in 1904 will, some 97 years later, be taken out as a result of this legislation. All the Opposition is saying with this amendment is that the entrenchment should be restored to the legislation.

Mr TRENORDEN: As we have been so conciliatory to the minister over the past two days, I am sure he will agree to this amendment. Where is the humour in that?

Mr McGinty: I will tell the member why I will not support it in a moment.

Mr TRENORDEN: This is a pretty fundamental issue. I agree with the Deputy Leader of the Liberal Party, because this shows the difference in attitude for dealing with fundamental issues like this, but it has not restricted the minister and it will not restrict any Government of the future. It will only give recognition - perhaps a little more than that - to its importance. This type of Bill is a little different from other Bills. I would say that it is convention, but I will be interested to hear the minister's view.

Mr McGINTY: One of the principles upon which the Parliament of Westminster operates is that one Parliament should not be able to bind a future Parliament, and we have the notion of sovereignty of the Parliament. In the case of the British Parliament, it is a well-established constitutional position in Britain that an Act which is carried by one Parliament which purports to bind a future Parliament can be repealed or amended by simple majority in that Parliament. 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.

Mr Trenorden: But it is a very small barnacle.

Mr McGINTY: Entrenchment is something which is imposed - if members want to go right back into its history 100 or so years ago - 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. In England it is accepted that that is not something that can be done: you cannot fetter a future Parliament by provisions of this nature. As I said, some members seem to want to elevate this to the status of a great constitutional principle. This has its origin in the colonial Parliaments, possibly because the imperial Parliament at Westminster did not trust the colonial Parliaments. That is its origin.

Mr Trenorden: You are speaking like a monarchist.

Mr McGINTY: No, a historian. To elevate that to some great constitutional principle status is misconceived. The will of the people is expressed through the Parliament. Fetters on the ability of the Parliament to legislate as contained in legislation are an anachronism. If members want to adopt the State Constitution and put it on a par with the federal Constitution, and have a provision in it like section 128 of the federal Constitution which requires a referendum to effect any amendment to that document, they start out by putting that document to the people as was done with the Australian Constitution via a referendum. One gets one's legitimacy from the people. That is the principle underpinning this. The Parliament should not be allowed to legislate to fetter what the majority in a future Parliament might want to decide. That is the principle as I see it; it is not the principle as opposition members see it. It seems to me that a party which happens to have a particular majority at a time can then impose upon a future Parliament a restriction on doing that. Last time I counted we had 32 members on this side, so why do we not put a provision in here to say that it cannot be repealed unless there are 32 votes in future? We can amend it to our heart's content, but if the Opposition only has 31 seats next time, it would not be able to amend the legislation of this Parliament.

The Government will not support this. I do not find the notion of entrenchment constitutionally appealing; in fact, I find it repugnant. It acts as a fetter on the ability of this Parliament to fully reflect the will of the people, which is a principle members should be standing up for.

Mr Barron-Sullivan: Are you saying that you do not like the idea of entrenchment in this legislation or in constitutional legislation?

Mr McGINTY: 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.

Extract from *Hansard*
[ASSEMBLY - Wednesday, 29 August 2001]
p3349a-3381a

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Mr BARRON-SULLIVAN: I am still coming to terms with the minister's logic. It reminds me of a point I have made time and time again in here - that the key aspects of the electoral system should be in the Constitution in the first place. Indeed, this entrenchment provision was in the Constitution. The reason there are legitimate arguments that the entrenchment provision should continue is because it was lifted out of the Constitution in 1904 and put into the legislation. The mind boggles when the minister argues about the legitimacy of that sort of entrenchment provision. There is no point arguing about it; he either agrees with that principle or not. It was a constitutional entrenchment provision. It was taken out of the Constitution and put in the legislation. It makes sense that it should continue. The only way it should ever change is if it is put back into the Constitution. The Commission on Government said that the key aspects of our electoral system should be slotted into the Constitution. I agree with the Minister for Electoral Affairs that the people should decide whether they agree with the matter going in the Constitution.

Mr McGinty: I will support that entrenchment. The COG recommended that Parliament legislate to give effect to one vote, one value. It should then be put into a Constitution and put out to the people. Any subsequent variation would require the same process of approval by the people. I have no argument with that.

Mr BARRON-SULLIVAN: I was going to say that I could kiss the Minister for Electoral Affairs, but I will not. Several members interjected.

Mr BARRON-SULLIVAN: The Premier sat on that side of the Chamber -

Mr McGinty: That debate is coming up in another Bill!

Mr BARRON-SULLIVAN: Yes, that debate is coming up later. The Premier sat on that side and pointed at me and made all sorts of vicious comments about how I had interpreted the Commission on Government report. The minister has just confirmed my interpretation.

Mr McGinty: That is exactly what the Premier said, but he said you were wrong.

Mr BARRON-SULLIVAN: No, I have said exactly what the minister said.

Mr McGinty: That the Parliament should legislate.

Mr BARRON-SULLIVAN: We are going round and round in circles.

Mr Trenorden: I was not quite here for the debate in 1904, but there is an argument to put it in because this provision was a safeguard. Even though there have been 90 years between debate, there is still a bit of hypocrisy.

Mr BARRON-SULLIVAN: Hypocrisy is the name of this legislation. We have the minister's point of view on this issue. I am happy to sit down and to let this amendment be voted on.

Amendment put and a division taken with the following result -

Ayes (16)

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

Noes (29)

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

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Pair

Mr House

Dr Gallop

Independent

Dr Woollard

Amendment thus negatived.

Mr BARRON-SULLIVAN: I move -

Page 5, after line 3 - To insert the following -

The Electoral Commissioner shall report to -

The ACTING SPEAKER (Mr Dean): Order! Will members cease talking. The member for Mitchell is attempting to move an amendment. It is my belief that that amendment is out of order because we have progressed to proposed new section 16O at the end of the Bill; therefore, no more amendments can be moved. Standing Order No 132 states that no amendment shall be proposed in any part of a question if a later part has been amended, or is proposed to be amended, unless the proposed amendment has been withdrawn by leave of the Assembly without a dissentient voice.

The member attempted to move proposed new section 16O after proposed section 16N, which is at the end of a Bill. According to Standing Order No 132, no amendments can be moved which apply to earlier parts of the amendment Bill. That is my ruling; however, it does not preclude the member from discussing points.

Mr BARRON-SULLIVAN: I accept responsibility for how I manage amendments on behalf of the Opposition. However, I sought advice, which was that if an amendment were not passed, I could refer to clauses prior to that. If that is not the case, it is my intention to walk members through some further amendments. While I do that, I shall try to determine how I can move these provisions as amendments past proposed new section 16O.

We have had some discussion about proposed section 16F. We have talked about whether some sort of trigger mechanism is required or whether automatic redistributions should occur after every four-year term. I suggested, and the minister indicated that he was amenable to the idea, a trigger mechanism based on the proportion or number of seats that are over or under quota. I showed the Chamber the latest statistics from the Electoral Commission, which indicate that 10 electoral districts in one region alone are 15 per cent or more above quota.

Some form of trigger mechanism would provide the Electoral Commission with the ability to resolve that situation. Using that sort of trigger rather than having redistributions after every election would guarantee a greater degree of representational stability. By that I mean that individual electorates would not repeatedly be chopped and changed after each election, and members of Parliament would not represent a particular region for a term only to find that the electoral boundaries had changed and - assuming their campaigns were successful - they would represent different areas after the next election.

The member for Pilbara pointed out that such chopping and changing means that members tend to focus their attention on areas they do not represent to set themselves up for the next election. Therefore, it makes sense to provide some sort of mechanism. The minister virtually agreed with that, but then said he would not entertain any amendment. I remind members - we on this side of the Chamber have been saying it all along - that this is precisely the reason the legislation should have been sent to a committee. These matters could have been discussed in some detail in that forum.

Mr EDWARDS: I am most interested to hear what the Deputy Leader of the Opposition has to say.

Mr BARRON-SULLIVAN: I am flattered, member for Greenough.

The point that stemmed from the debate about seats being out of kilter and excessively over or under quota related to proposed section 16H, which deals with the meaning of "projection time". That has also been the subject of some discussion. The member for Merredin gave some attention to it during the second reading debate, and the Leader of the National Party, the member for Pilbara and I have also referred to it on numerous occasions. It is one of the most significant proposed sections of the legislation as it introduces a new mechanism for the calculation of enrolments upon which electoral districts are to be based.

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

The Electoral Commission has in the past been required to determine boundaries and distributions based on enrolments current at the time of distribution; under this legislation the electoral distribution commissioners will have to project enrolments four years in advance. Going on the time frame that the minister has given us, there may be a distribution in 2002, but the statistics and figure work used for the distribution may be based on 2006. I challenge anyone to come up with accurate projections of population growth for rapidly growing areas in my electorate such as Eaton and Australind, let alone to make projections for suburbs like Quinns Rock and Clarkson.

In 1994, the Electoral Commission in its first draft and final recommendation for that year, took account of demographic changes and used population projections. It was proved that those figures were, unintentionally, wrong. Hindsight is a marvellous thing. No-one could have anticipated the growth in areas such as Wanneroo or in Eaton and Australind in the electorate of Mitchell. Wanneroo and Mitchell are the two fastest growing electorates in the State. Both seats are about 40 per cent over quota.

The Salaries and Allowances Tribunal has noted that the significant increase in enrolment has created an additional burden on the workload of the member for Wanneroo and has provided in excess of an additional \$10 000 in working expenses to assist her in servicing the electorate. The Opposition indicates its opposition to having a definition of projection time. The Liberal Party, the National Party and the member for Pilbara all came to the same conclusion. We did not huddle up in a smoke-filled room and make a deal to gang up on the Minister for Electoral Affairs and say what lousy legislation we think it is and that it is fraught with problems. We came to our conclusion independently. Proposed section 16H causes inherent problems in this legislation. We have indicated our total opposition to this proposed section a number of times.

Regarding proposed section 16I, it would have been nice to follow the amendment proposed by the Leader of the National Party, which would have allowed us to go through the legislation clause by clause.

Mr DAY: This is a very significant subject and I would like to hear more from the member for Mitchell.

Mr BARRON-SULLIVAN: Proposed section 16I deals with a number of functions of the electoral commissioners, but something is missing. In accordance with the proposed section, the commissioners are required, when carrying out their distribution work, to publish certain information in the *Gazette* and at least one newspaper circulating throughout the State. The information must include basic requirements such as inviting written suggestions on the proposed redistribution. It also sets certain deadlines for those matters. It does not provide that the electoral commissioners shall, of necessity, provide information to anyone who might be interested in assisting them to make submissions on a redistribution that is under way. If one is to have legislation that is based intensely on the new enrolment projection system, it follows that anyone who wants to make a submission to the Electoral Commission would need to know what are the enrolment projections.

Knowing the Electoral Commissioner as we do, I am sure that, as he is a reasonable person, he would have no problems providing that information. I want to go on record as saying, and I have said to the minister previously, that the Electoral Commissioner has been very accommodating in providing information to assist the Opposition to come to grips with this legislation and do certain modelling. I am sure the Electoral Commissioner and his office will be prepared to provide information about enrolment projections and so forth. However, there is no requirement in the legislation for him to do that. Conversely, it is also possible that the Electoral Commissioner, under instruction from the minister, or whatever, or a different Electoral Commissioner, may not make that information available, and consequently it will be very difficult to submit accurate proposals as part of the redistribution process.

We suggest to the minister - who is probably taking the time to read the paper or get a cup of coffee, which is indicative of the way the Government is handling this legislation - that this proposed section should provide that the commissioner shall set out the number of enrolments for each district as at the relevant projection time, and that those shall be the enrolment figures that the commissioner proposes to adopt for his own purposes in accordance with proposed section 16I. In other words, whatever projection figures the commissioner will use to help draft the legislation should be made available to the public.

I ask the minister to indicate in his third reading response whether he will be prepared to accommodate such an amendment when this Bill gets into the upper House. When I have moved amendments - and regardless of any technicalities that the previous Acting Speaker (Mr Dean) may have drawn to my attention - the minister has indicated that he is not prepared to approve any amendments to this legislation and wants to ram it through this place and into the upper House. It is clear that a deal has been done with the Greens (WA), and the minister is confident that the Greens (WA) will support this legislation on the basis that their model for the upper House is supported by the Government. That is the reason that the minister is happy to sit in this place today and tell

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members on this side of the House that there is no room for negotiation and that this matter will be dealt with completely in the upper House.

The next section I want to draw to the attention of members is proposed section 16J. This is a complex section, and it is a great shame that we cannot consider it in more detail at this stage. However, if there is a member who is interested enough, I will give some reasons that it needs to be amended.

The ACTING SPEAKER (Mr Edwards): I know it is late and that we are getting into the early hours of the morning, but some private conversations are taking place, and I am sure that is making it difficult for the Hansard reporters, who also have to work here. I would appreciate it if members would try to keep their private conversations to a low level.

Mr DAY: I think the member for Mitchell was about to turn his attention to proposed section 16J, which is a significant part of this legislation, and I would like to hear from him.

Mr BARRON-SULLIVAN: Mr Acting Speaker, I seek your guidance. Bearing in mind that the stuff-up with regard to moving an amendment to page 10, line 4 has precluded me from moving amendments to any proposed sections that appear earlier than that in this legislation, is it correct that the appropriate way for me to test whether the Government is sincere in its endeavours to deal with this legislation properly, and the only way in which I can ultimately move such amendments, is by the suspension of standing orders?

The ACTING SPEAKER: It is the Deputy Leader of the Opposition's call, not the Chair's decision to make.

Mr BARRON-SULLIVAN: Technically that is possible.

The ACTING SPEAKER: I understand it is possible.

Mr BARRON-SULLIVAN: It is the only way I can achieve this.

Mr Kobelke: There may be more than one option. It is not appropriate to seek advice while you are on your feet and debating the Bill.

Mr BARRON-SULLIVAN: I am in an awkward position. I understood that, having moved an amendment, if it were not passed I could then go back to other clauses. The reason for moving the amendment to proposed section 16O at the time was that it followed on from the discussion in which the minister had been involved - it was logical to do it then. The minister also indicated that he was not prepared to accept any amendments. Knowing the amendment would be defeated, I was prepared to move it then, assuming I would be able to go back and move amendments prior to that. I am not fussed about the amendments, because the minister has made it clear that they will not be passed. Apparently, the Labor Party's numbers will be used to reject them.

I will make some strong points in the third reading debate tomorrow, primarily about the way in which this Bill has been handled. Some amendments are required to make it workable. The member for Pilbara shot through when the minister said, "Up your nose with a rubber hose; we will not accept any amendments."

Ms McHale: It is his choice.

Mr BARRON-SULLIVAN: Of course it is. However, an Independent member of Parliament, the National Party and the Liberal Party are being treated totally contrary to the way in which this Parliament should operate. The minister has sat here without an adviser. In fact, he does not sit here at all! We currently have no minister at the Table dealing with the legislation in the consideration in detail stage. I have been in this Chamber only five years and I have never seen a situation like this. Members on this side are trying to accommodate the Leader of the House, who is keen for his colleagues to go home sooner rather than later. As he knows, we are prepared to accommodate him in that regard providing we get -

Mr Marlborough: The Minister for Electoral Affairs has given you a fair go. We have listened to you for three or four days.

Mr BARRON-SULLIVAN: The member was not here when the Minister for Electoral Affairs made it clear he had no intention of accepting any amendments. Unless the leader would like to suggest a more acceptable way for me to go back and move some amendments, I will move for a suspension of standing orders.

Mr DAY: The member for Mitchell turned his attention to proposed section 16J, which is headed "Basis for division of the State into districts". As the member said, it is a significant part of this legislation because it enshrines the so-called "dummy voter" principle. According to this principle, if an electorate covers more than 100 000 square kilometres, the number of electors can be adjusted on the basis of one extra elector for each 200 square kilometres. It seems a fairly novel proposal to have legislation that provides for dummy voters, notional

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voters, non-voters, or whatever the case may be. To put it mildly, it does not seem to be consistent with the notion of one vote, one value, which the Labor Government has argued that it is introducing into this State.

The Opposition has pointed out on a number of occasions that the Government is being hypocritical in pretending that this is one vote, one value, when it is legislation that is designed to be very convenient to the Labor Party. There is absolutely no doubt that this proposal for a dummy voter system would not be introduced if it were not to the advantage of the Labor Party, as it sees it. It is convenient that the areas that will be affected by this - the more remote parts of the State - are much more likely to return a Labor member. That does not mean that they will necessarily, but they are more likely to, based on the outcomes at recent elections.

Although the Labor Government will pretend that this is designed to ensure that electorates are not too large, and that electors in those areas can be adequately serviced and their needs provided for, in reality it is being done to advantage the Labor Party. That has been made clear on a number of occasions, and has not been effectively countered by the Government in its responses. Therefore, it is a highly questionable clause, and one that probably should receive more attention.

Mr SWEETMAN: I rise primarily to support my colleague who is currently talking to the Clerk about the amendments he has proposed, and his express desire to debate those at considerable length when the minister ultimately comes back into the Chamber. The member for Darling Range referred to the dummy voters. As I pointed out last night, I do not think this is an issue on which the Government has spent sufficient time in its haste to get this legislation through this place and the upper House. It has charged ahead with this legislation to achieve a philosophical and more politically practical agenda than it has had for some time.

Point of Order

Mr KOBELKE: The Government has been as patient as possible. However, there must be a limit. We are dealing with clause 4. There will be a third reading of this Bill. General summing-up and comments on the process are appropriate during the third reading debate. It is also appropriate to comment that we have had many hours of debate. At this stage one hopes that members will speak to clause 4, which is the matter before the House, rather than to procedural or more general matters, which more appropriately should be raised during the third reading debate.

The ACTING SPEAKER (Mr Edwards): I do not find a point of order. I have not heard the member for Ningaloo speak in the debate this evening. I am sure he will get to his point shortly.

Debate Resumed

Mr SWEETMAN: It is good that you concluded with that comment, Mr Acting Speaker, because I was about to get to the point, which concerns the dummy voters. The point made by the member for Darling Range is appropriate. The dummy voters are a concession to the four mining and pastoral electorates. However, the reality is that the difficulty will always be the accessibility of those areas. Whether there are 12 000 electors, as will be the case for the new seat of Gascoyne, or 15 000 electors for the new seat of Kimberley, it will be extraordinarily difficult for local members to adequately service their constituents. Even if, for example, only 300 or 400 people were spread across the seat of Gascoyne in that 1.4 million square kilometres, there would still be a contest, and the member would still have to service the needs of those people, because 51 per cent will deliver victory to the successful candidate.

I do not think that the dispensation given through dummy voters is a reasonable concession. It is simply the distance that makes representation difficult. No-one in this House is arguing that those areas should have fewer members than anywhere else. We are simply asking for reasonable consideration of the distance over which the constituents that the members are supposed to represent are spread.

Mr BARRON-SULLIVAN: The Government has allocated a great deal of time for debate of this legislation. Perusal of *Hansard* indicates that some years ago debate on just one stage of legislation dealing with electoral change went for 29 hours continuously. The House is dealing with undoubtedly the most significant changes to the State's electoral system since 1904, and the Government just wants to ram through the legislation. I shall test the sincerity of the Government as to whether it really is interested in considering the detail of this legislation. If it is, it will realise the predicament the Opposition is in. It still has amendments which it would like to move and which it would like the minister - who is still not in this Chamber - to consider. The cleanest option to achieve that is to suspend standing orders.

As to Suspension of Standing Orders

Mr BARRON-SULLIVAN: I move -

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Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

That so much of the standing orders be suspended as is necessary to enable the member for Mitchell to move amendments to any part of clause 4.

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

Ayes (14)

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

Noes (30)

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

Pair

Mr House

Dr Gallop

Independent

Dr Woollard

Question thus negatived.

Consideration in Detail Resumed

Clause put and a division taken with the following result -

Ayes (30)

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

Noes (14)

Mr Ainsworth	Mr Day	Mr Masters	Mr Waldron
Mr Barnett	Mrs Edwardes	Mr Sullivan	Mr Bradshaw (<i>Teller</i>)
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Pair

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Mr House

Independent

Mr John Kobelke; Mr Max Trenorden; Deputy Speaker; Mr Dan Barron-Sullivan; Mr Larry Graham; Mr Ross Ainsworth; Mr Terry Waldron; Mr Jim McGinty; Mr Jeremy Edwards; Mr Hendy Cowan; Acting Speaker; Mr John Day; Mr Rod Sweetman

Dr Woollard

Clause thus passed.

Title -

Mr BARRON-SULLIVAN: This brings us around like a boomerang to the beginning of the Bill. Members might recall that the Opposition moved an amendment to the short title. The Opposition argued that we should call a spade a spade. I move -

Page 1, line 5 - To delete the lines and substitute -

An Act to reduce the representation for regional areas of the State and to increase the representation for the Perth metropolitan area.

Several members interjected.

The ACTING SPEAKER (Mr Edwards): Thank you, members!

Mr BARRON-SULLIVAN: That is essentially what this Bill is about. Members will make some comments about the way the Government has handled this Bill and its intentions with the Bill during the third reading tomorrow. There might also be some interesting developments on this legislation.

Mrs Roberts: We do not sit on Fridays!

Ms MacTiernan: I can't wait.

Mr BARRON-SULLIVAN: The member for Armadale will not be able to wait. I was going to come up with something a bit different for this amendment to reflect the fact that I have a sneaking suspicion that the deal has already been done behind closed doors and that the Minister for Electoral Affairs has given in to the demands of the Greens (WA). I believe that the minister has agreed to let the Greens have their model for the upper House - the two extra members of Parliament - in exchange for getting the Government's model through for the lower House, because the Labor Party wants those extra five seats to help it win the next election. I was going to try to incorporate all that in the amendment to the title, but I thought -

Mr Barnett: So much for reducing the size of Cabinet. Now it can add another couple of members of Parliament. There is great austerity in that.

Mr BARRON-SULLIVAN: Yes. We can follow up some of those aspects. I also thought that I could add something about the way in which the Labor Party has handled this legislation. Members who sat in here tonight would have been surprised that the Minister for Electoral Affairs, who is handling this Bill, did not sit at the Table for much of the debate and that the four seats on the front bench have also remained empty. I thought that I could perhaps include that in my amendment. However, this amendment to the title of the Bill sums up the point that members on this side have reiterated - that the title of this Bill should read that it is -

An Act to reduce the representation for regional areas of the State and to increase the representation for the Perth metropolitan area.

Amendment put and negatived.

Title put and passed.

House adjourned at 12.33 am (Thursday)
