

Mr Jim McGinty; Mr Max Trenorden; Acting Speaker; Mr Hendy Cowan; Mr Matt Birney; Mr Larry Graham;  
Mr Dan Barron-Sullivan; Mr Arthur Marshall; Mrs Cheryl Edwardes; Mr Rod Sweetman; Mr Colin Barnett;  
Deputy Speaker

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**ELECTORAL AMENDMENT BILL 2001**

*Third Reading*

**MR MCGINTY** (Fremantle - Minister for Electoral Affairs) [10.06 am]: I move -

That the Bill be now read a third time.

**MR TRENORDEN** (Avon - Leader of the National Party) [10.06 am]: I will revisit the reason this Bill has been introduced. Much has been said about the Minister for Electoral Affairs' drive about this issue. It has been said many times in the House - I concede he cannot confirm it - that he has a long-term personal interest in this issue.

Several members interjected.

**Mr TRENORDEN**: Not all members opposite are interested in it. One in the corner is not.

**Mr Hyde**: He is not one of us.

**Mr Cowan**: He is on that side of the House.

**Mr Johnson**: He is more Labor than you are.

**Mr TRENORDEN**: The real reason is simple: it is a hard-nosed drive for political gain. At the last election, the Labor Party won the overwhelming majority of its seats in the metropolitan area. The point of this Bill is to give seats to Perth.

**Mr McGinty**: We did okay in regional areas. This Government won a large number of regional seats.

**Mr TRENORDEN**: It did not. One Nation did well and gave the Labor Party its preferences.

**Mr McGinty**: We won the seats.

**Mr TRENORDEN**: One Nation won them for the Labor Party. I will go through them.

Several members interjected.

**Mr TRENORDEN**: Graham Kierath almost won my seat for the Government. Not that the Labor Party would have won it; it would have gone to One Nation.

**Mr McGinty**: He won many seats for us.

**Mr TRENORDEN**: I had a 10 per cent swing against me on the naltrexone issue. The Labor Party candidate ran away from that issue as fast as he could. The party's policy statement contains a section about the naltrexone program at Northam.

Members opposite love saying these things. An analysis of preferences in my seat would show that those who voted for the naltrexone candidate directed their preferences away from me. I picked up preferences from all other candidates, even though all but the Liberal Party's how-to-vote cards directed preferences away from me. The naltrexone issue was red-hot. I lost 10 per cent of the vote on that issue thanks to the former Minister for Planning. I do not have a lot of time for his decisions about naltrexone.

**Ms MacTiernan**: Do you like my decisions better?

**Mr TRENORDEN**: Did I not congratulate the minister? It took some doing, but I was reported in the Press congratulating the minister, as I told her I would.

It cannot be denied that this is a political process. The Labor Party has a very strong presence in the metropolitan area. When the boundaries are drawn, starting from both sides of the mouth of the Swan River going north, east and south, many more notionally Labor seats will be created. Those seats will be won by the Labor Party at the next election if this legislation is passed.

There is no question about that. There is some debate about how many seats will be involved. I do not want to misquote the minister, but I think he indicated that about eight seats will go. The National Party thinks it might be nine. Therefore, it is a serious change. In that process, the Labor Party will probably lose two seats from the country areas.

**Mr Cowan**: It will be more than that when the protest vote is registered against sitting members of the Government.

**Mr TRENORDEN**: I hope so. However, I am speaking notionally. There is no way that the ALP will hold Geraldton or Albany. They will go.

Mr Jim McGinty; Mr Max Trenorden; Acting Speaker; Mr Hendy Cowan; Mr Matt Birney; Mr Larry Graham;  
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Mr Hyde: That is what you said before the last election, if I remember.

Mr TRENORDEN: Yes, but One Nation gave those seats to the Labor Party. The Labor Party did not win them. Its vote did not increase.

Mr McRae: Do we have a preferential system or not?

Mr TRENORDEN: We do.

Mr Whitely: Some members of the National Party had the second lowest primary vote of candidates. You've got an absolute hide talking about a preferential system.

Mr TRENORDEN: The member is one of the one-termers. He should enjoy his four years, because there is no chance of his holding his seat.

The ACTING SPEAKER (Mr Andrews): Members, before we get started on this, I want to make it clear that while I am in the Chair - I am sure the Speaker, the Deputy Speaker and other Acting Speakers feel the same way - comments from members will be directed through the Chair, not across the Chamber.

Mr TRENORDEN: There seems to be a process in this place whereby something happens every two days. Yesterday was a quiet day for such a serious discussion. There were not many interjections or much anger. However, today might be different.

I will get back to the issue. The Labor Party has a mechanism which, if successful, will present it with substantial gains. The polling history of Western Australia shows that the Australian Labor Party will be given a natural advantage year in, year out, for as far forward as one wants to project. In the past the ALP has won as many seats as it has lost. There has never been an argument in this House that one side has had a natural advantage in Western Australia. A number of elections ago, the Liberal Party was very angry. The member for Merredin might be able to fix up the statistics for me. The Labor Party got about 49 per cent of the vote and won government.

Mr Pental: Who was that?

Mr TRENORDEN: The Dowding Government.

Mr Pental: That was in 1989.

Mr TRENORDEN: That upset the Liberal Party at the time. There was a great deal of comment by the member for South Perth and others about how fairness should be brought into the process. In fact, a Bill was moved in the South Australian Parliament, and fairness was included in its electoral reform process because of this occurrence. However, at the following election, the situation naturally tilted and almost the opposite happened; the Liberal and National Parties won government with about 50.5 per cent of the vote, if I remember correctly. We won a lot of seats. Throughout the history of Western Australia, that balance has existed. However, it will not exist in the future.

I love to hear Joh Bjelke-Petersen's gerrymander in Queensland quoted all the time. Those of us who have an interest in politics know that it was an ALP gerrymander. Joh just happened to win with it while the ALP was having a brawl.

Mr Pental: Then it institutionalised it.

Mr TRENORDEN: That is right. However, Joh Bjelke-Petersen did not put it in place; the ALP put it in place. The ALP held power in Queensland for many years because of the gerrymander. However, when ALP members had a brawl among themselves and lost government by their own doing, they were very upset that Joh Bjelke-Petersen kept the gerrymander going. I want to make that point, because these games are being played in this Chamber right now. If this were a move to make a difference in the voting system of Western Australia, an open, consultative process would have been involved, instead of just the crunch of numbers. The minister made it clear that this Bill would come into and go through this House on the weight of numbers. On few occasions does a minister in this House progress a Bill without any advisers at the Table to assist him. The clear message was that the Government was not interested in anything the Opposition had to say; the Bill would go through.

I cannot say what percentage of my constituency knows about this Bill, but it is certainly not 50 per cent. The bulk of my electorate is unaware of what is occurring and what is in the Bill. I do not think that is an accident either. The argument about a mandate, which I will deal with in a minute, is also not valid. In the town of Northam, and in a few other places in my electorate, are some strong ALP supporters, but they do not support this Bill. They have openly said to me that they do not support this Bill. Although they are ALP supporters, they do not support the Bill because they live in the country. They know what will happen to them.

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I go back to the motivation for this move, other than political gain. The Commission on Government was born from a corrupt ALP Government back in the late 1980s. As Leader of the National Party, I find it a bit hard to have this forced down my throat, in part driven by a corrupt ALP Government; but it is.

Mr Whitely: Don't you think it is corrupt that the final vote for you, the member for Wagin and the member next to you was about the same as my primary vote? Don't you think there is a level of corruption involved in that?

Mr TRENORDEN: No, not in the slightest, because every political system in the western world does exactly that. Tony Blair, whom the Labor Party reveres, has even greater variations in his system than we have in the Western Australian system. Is he corrupt? Is the member saying Tony Blair is corrupt? The Labour Party in the United Kingdom spent two years putting together a major document that is buried away in my office somewhere. Academics and the whole power of the Labour Party were involved, in order to entrench vote weighting in the United Kingdom. It fought tooth and nail to do that.

Mr Whitely: I'm not interested in that.

Mr TRENORDEN: I know the member is not because he does not want to carry the argument. The ALP's argument does not carry anywhere in the western world. It is just not true.

Ms MacTiernan: The argument exists in this State. Why should the people in Mundijong have half the vote of the people in Avon?

Mr TRENORDEN: That is not true. The people in Avon have one vote, as do the people in Armadale. Nobody in this process gets more than one vote. However, many years ago when I was lucky enough to travel to Chicago with the Public Accounts Committee, some officials were telling me about the features of Chicago as we drove along beside the lakes. They said that one of the most important things that ever happened in Chicago was that 100 000 dead people voted for Kennedy in the election.

Mr Watson: That is happening in Western Australia.

Mr TRENORDEN: It happens here, does it? There was an argument about some dead people voting in Fremantle a few years ago.

Mr McRae: A good Republican would have told you that story.

Mr TRENORDEN: No, apparently it is a fact. It is a fact that in the American system in the early nineteenth century - it has nothing to do with this debate, but if members want to carry on with it, I will - people who came off the ships from Europe were taken to polling booths, given a name and told to vote. One need only look at the history of New York to know that happened wholesale. Obviously, I am not saying that has happened here. Nevertheless, there are huge variations in electoral systems.

The Government's Bill will not introduce one vote, one value. It contains a minimum 10 per cent variation.

Mr Whitely: Is that an argument for 75 per cent variation - because it already contains 10 per cent? Must it be absolutely zero?

Mr TRENORDEN: How long is a piece of string? I could argue about that as long as members like. No Bill in this House will introduce one vote, one value; but there is a Bill in this House that will give value to weighted votes. We argue that the current weighting is sufficient.

The Eyre/Wanneroo argument is not the matter of the Bill; it is a matter of the function. We debated that for a couple of days. The truth is that the electoral distribution commissioners -

Mr Whitely: What about the Mandurah and Rockingham argument? Why should Mandurah have twice the electoral power of Rockingham?

Mr TRENORDEN: If the member had spent some time in this House over the past few days, he would have realised that the National Party believes Mandurah should be a part of the metropolitan area. I moved a motion to that effect, we debated it and the Government voted to not include Mandurah in the metropolitan area.

Mr Bowler: Mandurah people want to be part of the country.

Mr TRENORDEN: I lived in Mandurah for a portion of my life. I have spent a lot of time there. It is part of the metropolitan area.

Mr Whitely: Why is Kalgoorlie not part of the metropolitan area?

Mr TRENORDEN: I think there are a few trees between the metropolitan area and Kalgoorlie.

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Mr D'Orazio interjected.

Mr TRENORDEN: My electorate is an urban electorate. It contains a mixture of urban and agricultural activity. I love my electorate because it has that blend. It comprises people who live in suburbs - if they can be called that, because they are no match for city suburbs -

Mr McRae: They are.

Mr TRENORDEN: The roads are not sealed like those in the metropolitan area and there is no underground power. However, those people still engage in urban activity.

Mr D'Orazio: It is no different from my seat.

Mr TRENORDEN: The difference is that only 7 000 people live in the town of Northam. Otherwise, Northam is a very urbanised place.

Mr D'Orazio: So why do they need vote weighting?

Mr TRENORDEN: We could have a lot of fun going through this, but government members must ultimately agree with me, because their Bill does. The Bill contains vote-weighting provisions. Every electoral process in the western world recognises one vote, one value as the foundation upon which the house is built. The house then recognises all the disadvantages. If government members do not believe that, they should read the two decisions of the Canadian Supreme Court on this issue and their mate Tony Blair's manifesto on vote weighting. That literature argues that while one vote, one value is the foundation of all western voting systems, the disadvantages should be taken into account. Do members opposite think that everyone who receives a pension should be treated equally? Do they think that returned servicepeople, the unemployed and the disabled should be equal? Everything we do in this House has a disadvantage factor. I will take note when members in the future argue that an activity creates an unfair advantage and disadvantage and should therefore be fixed. Their argument is totally illogical.

Mr D'Orazio interjected.

Mr TRENORDEN: Every decision we make in this House provides some sort of disadvantage. Those disadvantages are factored into the system. The Government has already built those disadvantages into this Bill by allowing a 10 per cent variation. It did not ask our view on the variation. It did not bother. It simply used the might of power to ram this Bill through. It is not a one vote, one value Bill, and the Government does not have the mandate for it. Thirty-seven per cent of the vote is no mandate. President Ibanez in Chile got 33 per cent.

Mr Whitely: You received 24 per cent of the vote; less than 3 000 votes. What mandate do you have to lead a political party? Yet, you stand and lecture us.

Mr TRENORDEN: What difference does that make to the debate? I won my seat just as the member won his.

Mr Whitely: You won your seat through a preferential system that you seem hell-bent on criticising. It is ridiculous.

Mr Birney: Just ignore them; they have no idea what they are talking about.

Mr TRENORDEN: It is amazing. I give in. The members on my left are no longer the crow's nest; they are the pink and greys. It is a better name.

Mr McRae: What was the two-party preferred vote in your electorate?

Mr TRENORDEN: I got between 58 to 60 per cent of the vote.

Mr McRae: Is that the basis upon which you come to this Parliament? You should stop criticising our 37 per cent of the vote.

Mr TRENORDEN: The member for Riverton cannot say that One Nation ran a campaign about one vote, one value. If it did, I did not hear about it. Did it run a campaign for one vote, one value? The Government came into power on the back of the Labor Party vote and the One Nation vote.

Government members interjected.

Mr TRENORDEN: It was One Nation.

Government members interjected.

The ACTING SPEAKER (Mr Andrews): I call the members to my right to order. Four or five people speaking at one time does not constitute an acceptable interjection.

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Mr TRENORDEN: I am having fun. The interjections do not worry me, but they might concern the Acting Speaker, so I will return to the Bill.

The Minister for Electoral Affairs said that rural people will be compensated. There has been no mention whatsoever about what that compensation will be. However, we have heard that \$25 million has been ripped out of country health. Country hospitals will close.

Mr D'Orazio: You don't know that.

Mr TRENORDEN: According to the report in today's *The West Australian*, the Government's spokesman has admitted it.

Mr McGinty: No.

Mr TRENORDEN: Yes. The Government has ripped \$25 million out of country health. When the Labor Party was last in government, it had a list of seven country hospitals that it wanted to close. Two of those were in my electorate. The Labor Government when it was last in power wanted to close the York and Pingelly District Hospitals. We managed to hold it off, but the push was on. The push to close Pingelly hospital is on again. A huge brawl will take place over that. Country people will be compensated for one vote, one value with the closure of hospitals - I agree it has not happened yet.

Mr Cowan: It is on the agenda.

Mr TRENORDEN: It is definitely on the agenda. There is no question about that. The members interjecting were not in opposition; their ministers were. They do not know that when Governments tell public servants what will happen, they tell the Opposition. That is the process. We have read the documents; they are in my office. We know what the Government is doing.

Mr McRae: Show us.

Mr TRENORDEN: The Government has them. Why do I need to show them to government members? The member should talk to the Minister for Health. Everyone responsible for health in country areas has been told that budget spending is to be curbed by five per cent. Those people have not been told what services they should close, but they have been asked how they will meet the new level of funding. Government members wonder why we are angry. The previous Court Government failed - I have to say that even though it might make a few colleagues unhappy - to bring the teaching hospitals under control. They consume 55 per cent of the health budget. The first thing the Labor Party did when it came into power - I know this because I have contacts in the system - was to remove all controls in the teaching hospitals. Expenditure has taken off. The teaching hospitals believe the Labor Party will look after them.

There is no benchmarking or control in the teaching hospitals. Although in government we reduced the amount of money country hospitals received - *The West Australian* report this morning is correct - we protected them. There were one per cent and 1.5 per cent cuts over many years in the health system, but nothing like the five per cent cut that is now being delivered by the Labor Party.

Mr D'Orazio: It is okay for you to have cost control but it is not okay for us.

Mr TRENORDEN: The Labor Party does not have cost control and that is the point I am making. Teaching hospitals have not been put under that pressure and they have made it very clear that they will not be put under pressure by the Labor Government; therefore, it will not happen.

Mr McRae: What else would you have sold off?

Mr TRENORDEN: We would not have had to sell off anything. We made \$400 million worth of promises and the Labor Government made \$1.5 billion worth of promises and, therefore, we would not have had to sell anything off.

I want to talk a little more about this health process. The important thing about the health issue in country areas is that emergency and accident services will be regionalised; that is what will happen. People will have to drive a further 100 kilometres to get to somebody who will try to get their child breathing again, or who will try to fix a person who has been involved in a car accident or the person who has had a heart attack, and it is the Labor Government that is doing that.

Mr McRae: That is a disgrace.

Mr TRENORDEN: Yes, it is disgraceful but it is the Labor Government that is doing it.

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The other bonus that was given to country people yesterday was when the minister for infrastructure or whatever the title is -

Ms Radisich: The Minister for Planning and Infrastructure.

Mr TRENORDEN: I will not even bother to catch up with those titles; they change weekly.

The member for Armadale admitted that she will have to rip \$300 million a year out of road funding because it is needed in health. There has been a \$25 million reduction in rural health; where has that money gone? It has gone into a railway line to Mandurah so that 12 minutes will be taken off the trip from Mandurah to Perth. It will cost \$1.2 billion to save 12 minutes on a rail trip! Because of that, people in the country areas will have to miss out on emergency services and on their roads being built, but people who live in Mandurah will get to Perth 12 minutes quicker! What other benefits will the good people from the Australian Labor Party deliver?

Mr Logan interjected.

Mr TRENORDEN: That has been used by the member for Cockburn 500 times before.

There have been 23 police officers ripped out of the wheatbelt and yet, the minister had the audacity to stand in this Chamber yesterday and tell us what will happen to safety. There will not be any police officers out there. In the middle of the wheatbelt there will be single police officer stations or no station at all. Road accidents and burglaries will still continue to occur as well as all the other things that occur in the electorates of the members opposite and which even the minister, in his speech, had to concede -

Mr D'Orazio interjected.

Mr TRENORDEN: I am pleased to hear this. So the Labor Party will take 23 police officers out of the wheatbelt and send quality officers back because the police officers there at the moment are no good! That is really good! I am sure that my constituents, the members for Merredin and Moore and all of those people who are covered by the wheatbelt area will be very comforted by that point.

Mr Marlborough: Are you not the country member who knocked back a hospital in your electorate? I remember when the previous Minister for Planning, Hon Graham Kierath, wanted to put a hospital in your electorate, and you knocked it back.

Mr TRENORDEN: Yes, he did and we have already talked about that. He also wanted to move some of the member for Peel's constituents into my area. It was one vote, one value in reverse.

Mr Marlborough interjected.

The ACTING SPEAKER: Order, member for Peel.

Mr TRENORDEN: While we are talking about medical facilities in country areas, and the member for Peel is talking about a naltrexone clinic and he is right -

Several members interjected.

Mr TRENORDEN: The previous Minister for Planning wanted to put that in my electorate and so did the member for Peel. The member for Peel said in this House that my electorate should cop that. Well, what has happened to the Moora hospital; where is it? It was almost at construction stage under the previous Government. When will the Moora hospital be constructed? It has gone from the budget. The same thing has happened with the Ravensthorpe hospital; the planning process and everything was completed and now, where is the Ravensthorpe hospital? It has gone also; it has vanished from the budget. They are the benefits that this group of people will deliver to us.

**MR COWAN** (Merredin) [10.37 am]: I have been here long enough to know that we often depart from the conventions of this place. However, it has always been the convention that new material should not be canvassed in the third reading debate as much as it should reflect on the direction of the debate during the second reading debate and the consideration in detail stage of the Bill. I do not want to introduce new material, but I would like to canvass some of those issues around which this Bill was debated for whatever time it was.

It must be acknowledged that the Australian Labor Party has long held the view that it can achieve one vote, one value by delivering to the Legislative Assembly a single quota for single member constituencies. This is what this Bill seeks to do. However, it is true, as the Leader of the National Party said, that having enshrined that principle in this legislation of having a single quota system as opposed to a multiple quota or a two quota system, which we had before - one for the metropolitan area and one for the regions of Western Australia - we now have a single quota system. That is the only principle that has been enshrined in this legislation. After that, it is very clear that those issues that effectively deny the principle of one vote, one value, will be further enshrined.

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Although the minister has listened very carefully to what has been said and he has made some placatory remarks and indicated that consideration would be given to the mechanisms or provisions in the legislation which would then allow us to deal with some of the issues that have reflected the way in which the commissioners undertake their duties to remove the principle of one vote, one value, nothing has been done about it. I know that the minister has given an undertaking that the Bill may be considered in the other place. However, I look forward to seeing how much he is prepared to follow through on delivering the principle. He has enshrined the principle of one quota in the legislation but he has done nothing that takes us to a point at which we actually get close to a number, in every electorate, that will accurately reflect some of the things that are generally taken as convention or practice in this Parliament and in this State.

I admire the fact that members opposite support the same principle as their minister - one vote, one value - which is how they usually talk about it. However, I would have liked to see some reference to the word "fairness" because one vote, one value is not necessarily fair.

I will give members a clear example -

Mr D'Orazio interjected.

Mr COWAN: The member for Ballajura has interjected to make his point. How many local bodies does that member have in his electorate?

Mr D'Orazio: Three.

Mr COWAN: My electorate has 19. I acknowledge that my electorate has roughly half the number of electors. However, when the local government bodies in my area send a letter inviting me to attend a function, they expect me to attend. I have 19 chances of being able to meet a demand of a local government body. How many schools are in the member for Ballajura's electorate?

Mr D'Orazio: Seventeen.

Mr COWAN: I have 38 schools in my electorate. I could keep going down that path; however, I will not. Those issues relate to fairness. Is it fair that a local member who is invited to undertake a function on behalf of a local government body has greater demands made on his time? Notwithstanding that the school in the member's electorate may have only 25, 55 or 105 students, the demand of that member's time would be double. Therefore, in the dispensation of his responsibilities, he will not be as effective as a member who may have only two or three local bodies to deal with or may have fewer schools in his electorate.

Mr D'Orazio interjected.

Mr COWAN: Then another argument will be put forward. When referring to one vote, one value, members opposite should consider the principle in reverse. For example, I do not know of anybody who works for the public service who would accept a country posting to get promoted to another grade. Nor do I know of anyone who works in the public service who would think that it was terrific that he had been transferred to Laverton or Leonora. Members of Parliament would not say, "My vote has doubled. You beauty! I have double the vote I had when I lived in Ballajura or one of the leafy suburbs on the west coast." They would ask themselves what were their prospects of being provided with facilities that would lead to a good quality of life and would make their stay in the area enjoyable. They are the issues that must be dealt with and must be taken into account.

I understand that it is the philosophy of the Australian Labor Party to have what is loosely termed one vote, one value. However, I reject that principle on the basis that it never provides fairness. Anomalies will always be created. The Government will create the greatest anomaly, notwithstanding that provisions have been built into the legislation for the extremely large seats to be considered for a reduced quota. In the main, the legislation does not take into account that fairness to which I referred earlier. It does not make allowances for the anomalies that are created, in which increased demands and pressures are placed on the time of a member to be able to fairly represent the electorate. Members in large electorates cannot represent their constituents in the same way that a member of a smaller electorate or a more concentrated electorate can. The communities of interest in some electorates may be situated in such a way that the member would not have to service a range of bodies, including schools or local government authorities.

The minister must ensure that the commissioners take into consideration the delivery of fairness. I do not refer to fairness in the same way in which my leader spoke about it. South Australian legislation provides a fairness clause that means, in the main, that the party that gets the majority of votes must win government. Only twice has that situation not occurred in Western Australia. The current system produces that result anyway. However, the proposed system would not produce that result unless the commissioners were given clear instructions to use the plus or minus variation in the quota to deliver some value and fairness. That is why the National Party

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sought to increase the variations in the Agricultural and South West Regions, and why we sought to further increase the variation in the Mining and Pastoral Region; we believe that is appropriate.

In doing that, we must also build into the legislation the capacity for the commissioners to use that provision in the legislation. Currently, that does not occur because the commissioners ignore it. They might note that it is there, but they do not take it into account. I know the minister has some difficulty with the way things are going and that he does not accept the National Party's proposal. The only way the minister can provide fairness in this legislation is to consider closely the amendments put forward by the National Party. If the minister cannot accept the words, he should at least accept that principle and line it up alongside or immediately underneath the principle of one vote, one value which will be delivered in this place by a single quota for all 57 seats.

I have no great objection to a single quota, but I take strong exception to the fact that the commissioners effectively have their hands tied by the way in which they must deliver those 57 electoral districts. A number of members on the government side of the House have said that the principle of one vote, one value is far stronger than their jobs, which is very noble. However, if this legislation is passed without some variation, in 2005, the level of resentment in the community will guarantee that the Minister for Electoral Affairs will have only one objective: to make sure that the Government can govern this State with only the seats within the metropolitan area, because the Labor Party will not win any seats in regional Western Australia. That is the level of resentment that this Bill will cause. Unless the Government institutes provisions in this legislation that deliver fairness, that will happen.

**MR BIRNEY** (Kalgoorlie) [10.47 am]: It is with somewhat of a heavy heart that I rise today for a number of good reasons to talk about the issue of one vote, one value, or, what may more appropriately be termed the abolition of country vote weighting. The Government of Western Australia will pass this legislation with a majority of members in the Legislative Assembly. By the passage of this legislation, the Labor Party has ensured, without a shadow of doubt, that people who choose to live and work in rural and regional Western Australia will be denied an opportunity to participate in the process that decides who forms government in Western Australia.

I will touch briefly on the issue of the Country Labor Alliance. I have been informed that mostly new members of the Labor Party who represent country electorates have banded together in a strong Country Labor Alliance that cannot be defeated. I do not know what its charter is; however, with a name like the Country Labor Alliance, I assume that we are dealing with a faction of the Labor Party that is more than prepared to represent the interests of country Western Australians.

Clearly, that is not the case. It has become very evident in the past few days that the Country Labor Alliance represents only the views of the Labor Party to the people who live in country Western Australia. It has no intention of representing the views of those people who live in country Western Australia to the Labor Party. What sort of characters are we dealing with here? They are limp-wristed, yellow-bellied, weak-at-the-knees members of Parliament who have been very lucky recipients of a major swing to the Labor Party at the last election. Members of the Country Labor Alliance were put in this place by their individual electorates to represent the views of their electors to the Labor Party. They were not put into power to represent the views of the Labor Party to the people in their electorates. I would be very surprised if this lot does not disband after this disgraceful performance. If anyone in rural and regional Western Australia believes that the so-called Country Labor Alliance has one ounce of credibility -

Ms MacTiernan: They will not be privatising or causing jobs to be lost.

Mr BIRNEY: It appears that someone has left the window open again because that crow has flown in. I know that because I can hear it screeching. I suggest the window be closed.

The Country Labor Alliance comprises frightened little members of Parliament. Why do they not stand up to the minister? Why do they not represent their electorates? If the Attorney General does not pluck them out of the veggie patch and stick them on the frontbench it does not really matter because they will still have their seats. That is the most important thing; members will still be able to represent the views of people who choose to work and live in country Western Australia. Why do members want to grovel to the minister? It will take them ages to get to the frontbench and they will be turfed out of government at the next election. Why do they not stand up and make a name for themselves? Why do they not support the people who have put them in this place? I will tell the House why - it is because they are gutless! The Country Labor Alliance is absolutely and utterly gutless. I call on it to disband. What is the good of it? I imagine the alliance comprises members from country electorates although I cannot tell who they are. Can any member tell me what is the charter of the Country Labor Alliance? What was it formed to do? Anyone? Nobody! If anyone said anything they would have to say that the alliance was formed to represent the views of country people. I did not hear any member say that. No-



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one said anything; they all hid under their seats. No-one said a word. I will tell the House why: they know the truth. The truth is that they have not represented the views of the people who live in country Western Australia in this debate. What a disgraceful little mob.

This position of the Labor Party has nothing to do with principles and it is not a democratic crusade on behalf of the poor disfranchised city people who are beating down the minister's door with concern that country members might get a slightly higher vote weighting than city members. They are concerned with creating a gerrymander that will enable the Labor Party to hold on to power for as long as it possibly can.

Ms MacTiernan interjected.

Mr BIRNEY: I can hear that crow again. I wish it would stop screeching; it is up there somewhere. Can somebody close the window?

The Labor Party has no principles in this debate. If the Labor Party were concerned about principles it would introduce one vote, one value into the Legislative Council. I know that the Labor Party is having trouble with its Greens buddies in getting the Bill through. If it were a truly principled party and if it truly hung its hat on the issue of one vote, one value, it would be all or nothing for the Labor Party. How can anyone call 20 per cent vote weighting in the country one vote, one value? The Labor Party is not about the principle of one vote, one value - it is concerned only with creating a gerrymander for itself.

What about dummy voters? It is hardly one vote, one value. How can the Labor Party tell the people of Western Australia that, after 100 years, it will introduce a system of one vote, one value? It does not exist in the Legislative Council. The idea of having a 20 per cent variation is rubbish. The Labor Party is crusading on behalf of the city people of Western Australia but it has not introduced a one vote, one value system into Western Australia. When the Labor Party denies the people who live in rural and regional Western Australia an opportunity to participate in the process that elects the Government of Western Australia -

Mr Whitely interjected.

Mr BIRNEY: If the member shut his exit route for a while he would retain a bit more of what goes in through his ears. I know it will ricochet a bit but he will have a better chance.

The Labor Party is not principled in that regard. Why is it intent on silencing the voice of country people? That is the net outcome of this legislation. It is to silence the voice of country people. That is what this is all about. Is it because of the Labor Party's stance on native title? The Labor Party knows it has ripped the heart out of rural and regional Western Australia and the mining industry, particularly in Kalgoorlie-Boulder and the goldfields. Maybe the Labor Party knows it will lose the seats of Kimberley and Eyre. What about the forest debate? How many people are on the dole? Why are they on the dole? It is because this mob have put them on the dole! It is a fact. Why would the Labor Party go to such great lengths to ensure that country people lose their representation in this House? That is the reason. From a philosophical point of view, the Labor Party is out of step with people who choose to live and work in rural and regional Western Australia.

The Labor Party keeps talking about its mandate. It amuses me greatly that a political party that has achieved only 37 per cent of the primary vote claims to have a mandate. It went to the election with a heap of other policies. It did not go to the election with just the issue of one vote, one value. The issue of one vote, one value was strangely absent from the majority of the Labor Party's election material. It was not stuffing brochures into people's letterboxes stating they would rip eight seats out of country Western Australia - or 16 seats as it would have been at election time. I do not remember waking up in the morning and getting a pamphlet from the ALP out of my letterbox saying, "Thanks for living in Kalgoorlie but we do not value your representation and as part of our electoral platform we will rip out country members right across rural and regional Western Australia." Why did it not do that? Why was the Premier not on television coming clean with people and telling them that the Labor Party supported the Commission on Government's recommendation and it would introduce one vote, one value? The Labor Party was out and about flowering it up. One vote, one value is an interesting term. People who did not fully understand the issue would have thought that one vote, one value sounded all right. Very few people understood, at the election, what one vote, one value meant. The Liberal Party and the National Party told the people of country Western Australia exactly what the Labor Party intended to do. There are a number of very good arguments against one vote, one value. The Labor Party is hanging its hat on one single argument, which is that every vote should count for the same. The Labor Party says we should bury our head in the sand like an ostrich in considering the outcome of one vote, one value. The sheer size of some of the electorates created by this legislation will be a problem. One of the best members in this Chamber, the member

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for Ningaloo, will be forced to represent a huge electorate, if this filthy little mob of electoral maniacs gets its way. Think, for a moment, about the people he will have to represent.

Mr Whitely interjected.

Mr BIRNEY: The member for Roleystone has come to life all of a sudden. He has been asleep for six months.

How far will the people represented by the member for Ningaloo have to drive just to see their member of Parliament? How many government departments reside in the newly formed electorate of Gascoyne? Very few. When people in that monstrous electorate need to see a government department and put their case forward, will they have to drive 1 000 kilometres to come to Perth? Will they have to drive 500 kilometres to see their local member of Parliament? This is the system that the Labor Party would thrust upon the people of Western Australia. It is now a foregone conclusion that successive Governments, mostly federal Governments, are budgeting quite significantly for people in regional and rural Western Australia. Telstra is investing in rural areas, and many smaller budgetary items are aimed specifically at people who choose to live in rural and regional Western Australia, because it makes sense to decentralise. If everybody in rural and regional Western Australia decided to pack up and move to the city, what sort of massive pressure would that put on facilities in the city of Perth? We all accept that people need to live in rural and regional Western Australia, and the decentralisation argument that has been put by successive Governments over a long period is a very good one.

One of the most important issues to be raised in this debate is that facilities, be they police stations, hospitals or schools, are allocated to various electorates for two reasons. The first is blatant need. If a blatant need simply cannot be overlooked, successive Governments have allocated money and facilities to a particular electorate. The other reason is when a whole group of electorates are competing for a bite of the cherry. It is often the case that five, six or even seven electorates have an equal need for a particular facility. The facility, or the budgetary commitment, is allocated by the people who sit in this Chamber and represent their own electorates. When eight members are pulled out of rural and regional Western Australia - and if the Government has its way, there would also be eight fewer in the upper House - the opportunities are significantly reduced for the people who live in those areas. Rural and regional Western Australia takes up about 90 per cent of the land area of the State. Why is it fair that this 90 per cent, which is currently represented by 40 per cent of the members in this Chamber, will have its representation reduced to 26 per cent? I am talking about not only 90 per cent of the land area of Western Australia, but also an area of Western Australia that contributes very significantly to the growth and wellbeing of the State. This contention is supported by the figures. During the 1990s the mineral industry was responsible for 70 per cent of Western Australia's exports - a very considerable figure. It was also responsible for 50 per cent of Western Australia's growth during the 1990s. Ninety per cent of Western Australia was responsible during the 1990s for 50 per cent of the economic growth of the State. It does not stop there. I am talking only about the minerals industry, but there are many others, in the south west, and around Geraldton and other centres. The minerals industry alone was responsible for 50 per cent of the employment growth during the 1990s.

The Government's policy is like checking into a hotel room with a rich cousin, and telling him to pay for the hotel room, and sleep on the floor. All the wealth and the growth created by people who choose to live in rural and regional Western Australia, over a period, will be transferred to the city, as if the city needed any more. City people, when asked if they want any more politicians, answer conclusively, "No". City people have not been beating a path to the Minister for Electoral Affairs' door, or to the Premier's door, asking for more politicians and complaining that people in country Western Australia have a slightly higher vote weighting than they do. Capital expenditure in the mining industry over the past five years has been some \$4 billion per annum. With a gross state product of about \$55 billion, I am sure that members would agree that the wealth contributed by country Western Australia to the economic growth of the State is very significant indeed.

I turn now to the issue of how the Minister for Electoral Affairs has gone about introducing this legislation. I am a new member in this place, but my limited understanding is that, under normal circumstances, to change an Act, the Government would simply amend that Act and be done with it. The way the Minister for Electoral Affairs has gone about this borders on the corrupt. At the very least, it is very tricky indeed. The Government does not have an absolute majority in the upper House. The absolute majority requirement in the Electoral Act is there for a very good reason. It prevents maniacs from tampering with our electoral system, unless a clear majority of members are of the same view. The Minister for Electoral Affairs could not get this legislation through, because he simply does not have the votes in the upper House. The members of the upper House were elected to represent the views of the people of Western Australia, and the Minister for Electoral Affairs cannot convince a majority of those members to vote for his legislation. So he takes the Electoral Distribution Act 1947, tears it up, and then ploughs 99.9 per cent of its provisions into the Electoral Act itself. At the very least, the Minister for Electoral Affairs is tricky; it is likely that he is corrupt. From my limited knowledge about the way matters are

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dealt with in this place, I suspect that this legislation may not be legal. It may come back to bite the minister on the head.

The Labor Party has upset not only the Liberal Party in this debate, but also country shires. Country shires have written to just about every member of Parliament. I am interested to know not only whether the Country Labor Alliance members have received letters from the country shires, but also their response to them. What will its members do? Will they sit in their offices and wonder what they will say to this mob? I bet the letters go straight in the filing cabinet and that country shires do not get a response from the so-called strong and unassailable Country Labor Alliance. I reckon there is a better name for it - the Country Labor Fraudulent Alliance, because that is what it is. I hope members of the Country Labor Alliance can hold their heads up high when they go back to their electorates, because they certainly cannot do so in this place.

**MR GRAHAM** (Pilbara) [11.11 am]: It is a sad day for Western Australia when a piece of legislation like this goes through the Assembly. It is a sad day for me personally for two reasons. I was a proud member of the Australian Labor Party for many years. I was proud of the party that my family had been associated with for nearly 100 years. The party was born in the bush for working people. However, it has been taken over in recent years - since about the mid-1960s - by urban-based academics. They have transformed the Australian Labor Party from a party that was fundamentally a bush people's party. It always had a special place for working people from the bush; it does not any longer.

When the Regional Development Commissions Amendment Bill 2001 passed through this place, I said that it was the second most treacherous act carried out on country people by the Australian Labor Party. This legislation is the most treacherous act the Australian Labor Party has ever carried out on country people in this State. I get no pride or joy from saying that. This party has put its urban and suburban interests at the forefront of politics in Western Australia. No longer will any other part of Western Australia be necessary for a Labor Government to get into power. All the projections from this legislation suggest that it will be able to govern without country Western Australia.

It has been a difficult job to represent an electorate that has been a major financial contributor to this State in Caucus for 13 years and to continually argue against the vested interests of city members of Parliament. One has only to listen to the comments and interjections that have been made to hear the way backbenchers in the Australian Labor Party have been whipped into an anti-country fervour. One comment by the member for Albany was that the member for Kalgoorlie would drive around his electorate in a four-wheel-drive vehicle. I have a four-wheel-drive! The member for Albany should come outside and have a look at it. It has travelled 80 000 kilometres in one year and it is a wreck. The Government cannot find \$25 million to finish a road that has been wasted for 50 years, but it can find \$1.2 billion to take 12 minutes off travelling time for people living in the southern suburbs of the city! That is what is wrong with this piece of legislation. It is a centralist piece of legislation that will completely disfranchise the people who are worst off in this State.

If the Minister for Health ever wants to pull me up about health, the health crisis he faces in Perth would be an improvement on 20 years of country health services in the north west. The north west would love to have Perth health crisis standards. However, where is the Minister for Health? He is in the city sorting out four or five hospitals, every one of which has world-class standing, while we cannot get one hospital in the north west that would be acceptable in suburban Perth. The Australian Labor Party is trying to convince country people in Western Australia that the situation will improve if votes are taken from them.

Mr Carpenter: It doesn't take votes off them.

Mr GRAHAM: It does not?

Mr Carpenter: No, they will still all have a vote.

Mr GRAHAM: They will still all have a vote! The member for Willagee has again displayed his enormous mental ability in dealing with electoral matters. I will explain this point to him: the political power of country people in Western Australia will be on the same shelf as the issue of superannuation for members of Parliament. It is a daily double. The Government took some superannuation benefits off members and now it is taking political power off country Western Australians.

Mr Whitely: Taking superannuation benefits off politicians was clearly an unpopular measure for the people of Western Australia!

Mr GRAHAM: My friend the member for Roleystone will find out. Not many Labor backbenchers have told me that it is a great initiative.

Several members interjected.

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Mr GRAHAM: It is fair; that is why we accepted it! The deal put forward and which Caucus voted on in Bunbury included a one-quarter of a million dollar compensation package for people who did not agree with it.

Mr Carpenter: No, it did not.

Mr GRAHAM: It did.

Mr Carpenter: You are misrepresenting the situation.

Mr GRAHAM: Both the member for Willagee and I know that three-quarters of Caucus voted for it without having read the Kleinig report.

Mr Carpenter: That is absolutely untrue.

Mr GRAHAM: It is not untrue, which the member for Willagee knows.

Mr Carpenter: Why are you saying that?

Mr GRAHAM: I was at the caucus meeting. If the member remembers, I argued against the Kleinig report.

Mr Carpenter: You should know better than to stand up and say that.

Mr Watson: Are you bitter about one vote, one value or about superannuation?

Mr GRAHAM: I am bitter about one vote, one value. I have superannuation. I am completely -

Mr Carpenter: What you just said is totally untrue.

Mr GRAHAM: It is not, and the member for Willagee knows that it is not.

Mr Carpenter interjected.

Mr GRAHAM: No, the member for Willagee supported the Kleinig report. Both he and the Premier supported the report, which included a compensation package for people who missed out. The member knows that; he should not be silly. I will get back to the question of one vote, one value, because it is fundamentally more important -

Mr Carpenter: I am quite happy to stand up and have an argument about superannuation, just as I did in Caucus, in Parliament and outside. You should not misrepresent what I said. I have had that argument and I am happy to have it again. There is no reason for you to misrepresent what I said or stood for. You know that I have never suggested that the provision you just asserted I had suggested -

Mr GRAHAM: Of course it is right; the member for Willagee says it is right, but he did adopt the report, which included a compensation package.

The ACTING SPEAKER (Mr McRae): Just one moment, member for Pilbara. I have allowed general discussion on a number of points, but I will now refer members to Standing Order No 198, which defines the range of debate within a third reading stage of a Bill's progress through this House. That standing order requires the House to deal with the content of the Bill and to reflect on the direction the Bill is taking. Footnote 97 to Standing Order No 198 makes the point that the debate in this stage "is not as wide as the debate on the second reading". While members have roamed far and wide this morning, it is time to bring attention back to the third reading stage. I ask the member for Pilbara to continue.

Mr GRAHAM: Thank you, Mr Acting Speaker. I was responding to interjections. I had been dealing with matters contained in the Bill and I intend to continue to do so. Mr Acting Speaker will recall what led to that outburst. The member for Willagee has put country voters on the same shelf that he put superannuation - they are now non-existent and irrelevant. I do not have any difficulty with that, but he obviously does. This legislation is based on deceit. The Labor Party has convinced itself that this is one vote, one value. I should not attribute that to the Labor Party because the Minister for Electoral Affairs has been the sole negotiator on behalf of the Government.

Mr McGinty: That is not true.

Mr GRAHAM: The minister has handled the Bill. He sat in this Chamber and rejected amendments that had not been to the party room. He rejected amendments that were in line with Australian Labor Party policy which I put forward and which would have substantially improved the lot of people in the Mining and Pastoral Region. He did all that without reference to his party room or to his party. That is a matter of fact, not a matter of conjecture. The amendments I moved did not go to the ALP party room for decision; the minister made those decisions sitting at the Table.

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When I say that this legislation has been carried through this Chamber deceitfully, I am referring to the fact that some of us were led to believe that there was room to move. Although we opposed the introduction of a one vote, one value system - we got that off our chests at the second reading stage - we were led to believe that there would be room to move or a meeting of minds at the consideration in detail stage. We understood that there could be some amendment of what are patently unfair and inaccurate provisions in both the current legislation and the Bill.

That may have been the minister's position, but it changed yesterday afternoon after he had a meeting with the Greens (WA). He came back into this Chamber sounding statesmanlike, but made it clear that this Chamber would have no influence over the legislation until it had been debated in the other place and that the Greens had been successful in having the legislation referred to the Legislation Committee. Apparently, after the Greens complete their negotiations, this Chamber will do their bidding. That was crystal clear to anyone in this Chamber at about 9.30 last night. We were deceived into believing that amendments could be made to the legislation. I do not know what happened after I left at 10.30 last night, but I would be astounded if any significant change occurred.

I was able to demonstrate to the Minister for Electoral Affairs how one section of the legislation has led to errors in enrolment in the Mining and Pastoral Region of between 20 and 50 per cent. He rejected the amendments I moved to address that problem. This guy is championing one vote, one value! That is unbelievable, and every member of the Labor Party supported him.

A series of amendments was aimed at changing the cycle of electoral redistributions. They were very logical and we were led to believe by the minister that he had some sympathy for them. I will not scour *Hansard* and quote his words to him - he can correct me if I am wrong - but he said that he had some sympathy for that approach. "Sympathy" might be too strong a word; perhaps "empathy" would be more appropriate. In any case, he was not totally opposed to that approach. What happened to those amendments? They were knocked off. Why? He was perfectly amenable to them until he had another meeting with the Greens. He then came back into this place and was no longer amenable. What was traded off in that secret meeting with the "unrepresentative swill" - as Paul Keating called them - in the upper House? What was taken out of my electorate, or the electorates of Ningaloo and Burrup, and given to the Greens? I want to know, but I cannot find out. I think I know what it is and I know what the Greens and the minister are denying. That and the way this legislation has been born and bred gives me good reason to trust my instincts.

I bet every Labor member that before this one vote, one value debate is finished they will be confronted in Caucus by the Minister for Electoral Affairs saying that the Greens will not agree to the legislation and that the make-up of the upper House must be changed. I already have a couple of bottles of red wine riding on bets with people in the Mining and Pastoral Region, and I am willing to take more bets. I bet London to a brick that the deal was done last night. I have known for 25 years the bloke the minister was negotiating with, and I can tell by the look on his face what is going on. The deal was done last night. As this legislation imbeds the Labor Party in government in the suburbs, the changes in the upper House will imbed the Greens (WA) in the Legislative Council. There is no doubt about that. It has not come out yet, but it will.

I suspect that the Greens will win their battle to increase the number of members in the Legislative Council. They will win because this issue does not need to go to a referendum. I am no fan of referendums. However, given the deceit displayed during this process, I could probably change my mind and argue strongly in favour of them. The Government currently has nothing to put to a referendum, because it will not know what it is doing until that deal is finalised.

The amendments I put forward that we were not allowed to debate would have accommodated most, if not all, of my concerns about this legislation. Members will recall that my amendments provided that a candidate for the Mining and Pastoral Region must have lived in the electorate. The amendment did not require the candidate to remain there, but simply to have lived there for the two years prior to seeking nomination. The provisions that the Australian Labor Party and the Minister for Electoral Affairs are supporting contain no such requirement. We know from the member for Cockburn's interjections that the No 2 candidate on the ALP ticket was a fly in, fly out worker for Woodside Petroleum Ltd - the so-called scourge of the region. That company is tearing the guts out of our communities, but the Labor Party's No 2 candidate worked for it. Would that man have won a popular vote in the Mining and Pastoral Region as a fly in, fly out worker? All members know the answer to that. It is a clear and resounding "No."

Mr McGinty: He is a remarkably good member of Parliament.

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Mr GRAHAM: The minister would say that because the member is a good, loyal member of the left. The minister loves him.

Several members interjected.

Mr GRAHAM: I am not arguing about whether he is a good, loyal member of Parliament. That is not the principle behind the legislation. The argument is about how we get into Parliament and who puts us here.

Mr Logan: He was No 2 on the ticket.

Mr GRAHAM: That is my point in a nutshell. If he were required to be democratically elected, he would not be here.

Mr Logan: That is the system.

Mr GRAHAM: Yes, it is, and that is what I am railing about. The member is missing the point. It is not a defence in this place to say that that is the system. We are in this place, member for Cockburn, to change the system for the better.

Mr Logan: It is broke.

Mr GRAHAM: It is. When someone gets 45 votes out of 54 000 and gets into Parliament, but in the same election someone else gets 100 times that and does not get into Parliament, the system is broke. One can dress it up any way one likes - I know the member is a metalworker and metalworkers do not like elections - but it is a fact of life.

Let us turn again to the Greens (WA), the party with which the Australian Labor Party is negotiating. It got 0.26 of a quota. On that basis, the Fremantle Dockers would have won the last three premierships! It is exactly the same logic. All a person has to do is come last and he wins. The Dockers are a great football club. On the basis of that logic, they would have won three premierships because about 97 per cent of the goals against them were kicked by the other people, of course. The Dockers would not have scored enough points to win, but nobody dislikes them a real lot so they would have won the premiership. That is the system that applies in the Mining and Pastoral Region, and that system is corrupt; it is crooked. It moves the control of members of Parliament from a constituency of voters outside a political party directly into the backrooms of the party.

Ms MacTiernan: It does not have to.

Mr GRAHAM: It does.

Ms MacTiernan: People have the option of filling out the ballot paper in full, but they delegate that, if they so desire, to the political party. They still have the right to do it. If people are outraged by it, they can fill out the entire ballot paper. The reality is that over 90 per cent of people go for the party option.

Mr GRAHAM: And the point is?

Ms MacTiernan: The point is that people are comfortable with that. They are not forced to do it; they elect to do it.

Mr GRAHAM: Let us deal with that because it is an important point. If the member for Armadale goes to the amendments that I moved, she will find that in the Mining and Pastoral Region I would have removed position trading from the political parties. Hon Jon Ford was able to get into Parliament because of the ticket vote. I have no axe to grind with Jon. As a bloke, I do not dislike him. However, the only reason he was able to get into Parliament was that he was number two on the ALP ticket. Who put him number two on the ALP ticket?

Mr Birney: The unions.

Ms MacTiernan: The internal processes of the Labor Party. If people take objection to that, they do not have to vote in that order. There is no obligation on them to do so.

Mr GRAHAM: Hold it there. We will have that argument in a minute. Hon Jon Ford was given the number two position by the internal processes of the ALP. I will put to one side my argument about how crooked they are.

Ms MacTiernan: As soon as you stopped being the beneficiary of them, they became crooked.

Mr GRAHAM: No.

Ms MacTiernan: Were they crooked when you were preselected over and again?

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Mr Logan: It was okay then.

Mr GRAHAM: No, the Labor Party has changed the game since then. When I was preselected, as the member for Armadale well knows -

Mr McGinty: I know a bit more about it than the member for Armadale.

Mr GRAHAM: I was going to say that of all the people I can criticise on this subject, the member for Fremantle is not one of them.

Mr McGinty: I might have made a mistake.

Mr GRAHAM: No, the member for Fremantle did not. When I was preselected in 1988 -

Mr Logan: You had big support from the metalworkers.

Mr GRAHAM: That is not quite true. The boofhead member for Cockburn was not even in the union. I had big support from Jack Marks - absolutely. Read my maiden speech. It says it all.

Mr Logan: It was not just Jack Marks who voted; the whole union voted.

Mr GRAHAM: No, there was no vote. When I was preselected in 1988, the only vote that took place was in the Pilbara, in the local preselection panel. I was told by the state secretary of the Australian Labor Party and by all my supporters that if I did not do well in the local preselection, I would not be preselected. I drew it with Tom Helm, who was a sitting member. The Labor Party guys took all that off us - that system is gone. The Kalgoorlie north electorate council had a selection panel. It is gone. The ALP people took that local component away. Then two preselections later, in my case, it put back a branch membership arrangement whereby if a branch had more than 40 members, it could have one-fortieth of a say, which is nothing like what I had. I had more of a local component than others had. Therefore, it is nonsense to run that at me. However, that is not the argument I wanted to have. We will move on to that.

I will leave Jon Ford out of it. The question that I put to the member for Armadale was how did the number two person on the ALP ticket get up. He got up because he was preselected by the Labor Party. I accept that. I am not arguing about the process.

Ms MacTiernan: He got up ultimately because people voted for the Labor Party ticket. That is how he got up. People made the choice. The electors, having been given two options - that is, to vote individually for whom they wanted, or to vote for the party and to follow the preferences set out by the party - determined overwhelmingly to go with the party. That was a choice people had, and they elected to go with the party. They obviously do not have the same difficulty with parties that the member for Pilbara has - or has had most lately.

Mr GRAHAM: I do not have a problem with parties - I did once. I do not have a per se objection to political parties. I am trying to get through to the member for Armadale that in the Mining and Pastoral Region the ALP could have preselected a house brick in the number two position, and it would have got up. There is no requirement on the person placed number two on the ticket to have ever been, or to go, to the region. There is no requirement on, or accountability mechanism for, that person to do anything other than to work internally in the party to preserve his number two status.

Ms MacTiernan: If the constituency finds that repugnant, it is up to it, and it has the power not to vote for that person.

Mr GRAHAM: That is simply not true. If I were to agree with the member on that - I do not - would she agree if I put that argument back to her about workplace agreements and individual contracts? Of course she would not. She would tell me that in that situation there are relative differences in power and effort.

Ms MacTiernan: No, there is absolutely no pressure on any individual to fill in below the line rather than above the line.

Mr GRAHAM: Yes, there is.

Ms MacTiernan: It is something that people do in the privacy of the ballot box, with there being no negative consequences for them if they go for one option rather than the other. The analogy with workplace agreements is completely fallacious.

Mr GRAHAM: No, it is not.

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Ms MacTiernan: Let's face it, member for Pilbara, the majority of people could not be bothered - they do not care that much. That is why they are happy to go with the party selection. If they felt strongly about it, a lot more people would exercise their individual choices.

Mr GRAHAM: My point is that someone in the ballot box is confronted with an easy option or a difficult option. It is simple. When people take the difficult option -

Ms MacTiernan: I rest my case.

Mr GRAHAM: I agree with the member. She then argues that that is a democratic outcome. I do not.

Ms MacTiernan: You are saying that not only life, but also voting was not meant to be easy, so we should make a real -

Mr GRAHAM: That is what the member is saying. I am saying that in the Mining and Pastoral Region, which is a distinct and unique region in this State, even if I accept all that the member says about upper House voting, which I do not, for the first time in its history the indirectly elected people - that is, those who are not directly accountable to voters - outnumber those who are directly accountable to the voters. If that is not the case, the very reason for the existence of the upper House is removed, because the upper House is elected by a different system. If it is elected by the same system that applies in this place, it is simple duplication.

The Government has left that out of the equation. The system is aimed at electing people who are responsive to a different constituency. The upper House is a House of Review. That is its very reason for being; not to have directly elected members of Parliament representing their constituents. It is not constitutionally or electorally designed to do that. The Government intends to reduce the number of directly elected members in the Mining and Pastoral Region. That will significantly disfranchise some of the poorest people in this State. It is not an antiparty argument. I am disappointed in the Australian Labor Party. Those members who were in Caucus with me know, despite the spin they are putting on it, that I argued long and hard against these sorts of stupid things.

Mr Carpenter: How come you remember that part accurately?

Mr GRAHAM: I remember because on my office wall hangs a framed bill for \$2 000, which I will not pay.

Mr Carpenter: I can confirm the truth of that statement.

Mr GRAHAM: I thank the minister. For the Minister for Planning and Infrastructure and others who like to sling a bit at me - I do not mind being slung at -

Ms MacTiernan: I am not slinging at you. I am responding to your argument.

Mr GRAHAM: The minister has made facetious comments about my actions now that I have left the party. She knows very well -

Ms MacTiernan: You were the beneficiary of party preselection for many years. Having lost that preselection, it seems a touch disingenuous of you to rail against the notion of party preselection and representing parties. You owe your membership of this place to that party support. It is a bit fraudulent.

Mr GRAHAM: The Minister for Planning and Infrastructure has selective hearing, because I have said exactly that. If the Labor Party had preselected me, I would be sitting among the government members. However, and the minister would have realised this if she had listened to my speech during the second reading debate, I probably would have left the Labor Party by now, because I do not accept this legislation. I accept all the minister says about preselection. I did not give the Labor Party the flick; it gave me the flick. The Government is seeking to impose on country people a system that it as a party will not accept.

**MR BARRON-SULLIVAN** (Mitchell - Deputy Leader of the Opposition) [11.42 am]: Amid all the doom and gloom of this Bill, a ray of sunshine has at long last appeared on the horizon. That ray of sunshine is emanating from our upper House, in which, just over half an hour ago, a notice of motion was given. I have alluded to this matter. Members on this side of the Chamber and those who oppose the Government's legislation will be pleased to learn that a course of action has been proposed that could ultimately result in this electoral legislation being deemed invalid.

Mr Hyde interjected.

Mr BARRON-SULLIVAN: The Liberal Party is not engaging in deals. It is not the party that has been sitting behind closed doors trying to stitch up a deal so that it can ram through Parliament something that is against the wishes of the people of this State. A notice of motion has been lodged in the upper House which, if successful - there is that qualification - would result in the Full Court of the Supreme Court determining whether this



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legislation is lawful. Members on this side have a number of times referred to their belief that this legislation smells and that the Minister for Electoral Affairs is walking on thin ice while carrying a heavy rucksack of very rotten and smelly fish. The member for Kalgoorlie alluded to the fact that he believes this legislation is unlawful. I share those sentiments. This side of the House has given this legislation a great deal of consideration. We oppose what the Government is trying to do, but we have done the right thing by considering sensible and technical amendments. We have also considered the fundamental legal validity of the legislative package the minister and the Premier have brought to this Parliament. Advice from outside the Parliament that has come our way strongly and without qualification indicates that this legislation is invalid. We on this side of the Chamber have explained why that is the case. Members understand exactly what is happening. They understand that the Premier and the Minister for Electoral Affairs have cooked up this wonderful piece of legal witchcraft, whereby they intend to repeal the Electoral Distribution Act and make amendments to the Electoral Act to avoid the entrenchment provisions in section 13 of the Electoral Distribution Act. The minister during the debate last night referred to the section 13 principle as a “quaint notion of entrenchment” and “a barnacle on the keel of progress”. This Government is prepared to cast aside key democratic principles to ram through legislation so that it can gain a five or six-seat advantage at the next election.

Ms MacTiernan: You are engaging in the classic Tory stance of protecting your position.

Mr BARRON-SULLIVAN: If the motion in the upper House is successful and the matter is referred to the Full Court of the Supreme Court, the Government might be caught out. It is not for me to say what the Supreme Court might determine. However, we will at least have an honest and objective assessment of whether the minister's actions are valid. I do not believe they are honest.

Mr McGinty: Are you saying the Solicitor General is dishonest? Are you casting aspersions on the Solicitor General of this State? You need to be very careful. Your cheap political stunts will not work.

Mr BARRON-SULLIVAN: I believe the minister is manipulating the parliamentary process. I have said that it is for not me, but the Supreme Court to decide whether the legislation the minister has brought to this Parliament is legally valid. The minister has attempted to manipulate the processes of the Parliament. That may backfire on him. However, it is not for me to decide.

We on this side of the House have emphasised that these proposed changes to our electoral laws are the most significant since 1904. Concern has been raised about the independence of the process and whether it has been politicised. Surely that is a strong argument for an objective assessment of the procedure and the legislation. It was suggested that the matter go before a committee of this House. It could have looked at this sort of thing. The members who were listening to my speech in support of the motion to send the Bill to a standing committee might recall that I said it would be good for a committee to review the advice the minister says he has obtained from the Solicitor General. I asked the minister a parliamentary question about whether he had obtained such advice and whether it was qualified. His answer was very carefully phrased -

I asked the Solicitor General for advice, as is generally done when dealing with matters of this nature. I asked him to advise what was required by law to enact legislation in this regard . . .

I find those words a little sneaky. I would be very interested to see the brief and to know whether the Solicitor General's advice was qualified. It is not the custom in this Chamber for a minister to table advice from the Solicitor General. However, it is the sort of thing a standing committee could have considered. It could have taken further advice and maybe recommended that this Assembly should call on the Minister for Electoral Affairs to take the matter to the Full Court of the Supreme Court for resolution.

The notice of motion given in the Legislative Council is new and many members will not be familiar with it. To demonstrate the hope that it offers for people who oppose the Government's legislative changes, I will read the two key clauses. The opinion that would be sought from the Full Court of the Supreme Court would be based on two questions.

Question (1) asks -

Is it lawful for the Clerk of Parliaments to present to the Governor for Her Majesty's assent a bill to repeal the Electoral Distribution Act 1947 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 members for the time being of the Legislative Council and the Legislative Assembly respectfully?

Question (2) asks -

Is it lawful for the Clerk of the Parliaments to present to the Governor for Her Majesty's assent a bill which enacts an electoral distribution scheme which replaces or substitutes for the scheme in the

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Electoral Distribution Act 1947 following or in conjunction with repeal of the Electoral Distribution Act 1947 unless the second and third readings of such Bills shall have been passed with the concurrence of an absolute majority of whole number of members for the time being of the Legislative Council and the Legislative Assembly respectively?

In other words, if this goes through the upper House, and it is ultimately carried through to the Full Court of the Supreme Court, we will know whether this legislation is valid. In comparison with the objective assessment of this legislation by our Supreme Court, deals that might have been done between the Minister for Electoral Affairs and the Greens (WA), or anything else for that matter, will pale into significance. I commend our colleagues in the upper House for taking this action, and I sincerely hope that honourable members in the upper House, including government members, will see that it makes sense to determine the validity of this legislation. Members on that side of the Chamber still do not understand the vital importance of some of the principles involved in these arguments. Leaving aside the detail of the legislation, and leaving aside the fact that I do not support the Government's proposal for one vote, one value, we must have common support for the fundamental principles of this Parliament, and for the democratic process that members in this Chamber must defend and uphold. Consequently, if there is a realistic possibility that this legislation may be invalid, it is beholden upon Parliament to ensure that that question is resolved objectively and fairly.

Mr Pental: It is always open for any legislation to be challenged; in this case it is the Supreme Court.

Mr BARRON-SULLIVAN: Absolutely. It certainly is after the event.

Mr Pental: That is not for Parliament to then stop in its track for fear of the courts; isn't Parliament supreme? It certainly isn't a reason for us not to proceed with any legislation at any time.

Mr BARRON-SULLIVAN: I take the member for South Perth's point. However, I suggest - and far be it for me to anticipate the debate in the upper House - that when the detailed arguments are put forward, the member for South Perth will see that there are strong grounds to doubt the validity of this legislation.

With other legislation we might wait until the legislation is enacted before going to the Supreme Court, or any court. However, in view of the ramifications of this legislation on the structure of the parliamentary system in this State, a number of arguments will undoubtedly be raised in the upper House about why it makes a great deal of sense, as well as legal sense, for this matter to be resolved before the legislation travels through both Houses of Parliament. Having said that, I stress that this is not in anyway a delaying tactic. This procedure can go ahead while the legislation is being progressed through the upper House. I commend our colleagues in the Legislative Council for putting this motion forward. It offers a ray of sunshine, not only for those who oppose the Government's so-called one vote, one value system, but for those of us who believe in decent democratic principles, and principles that form the bedrock of our process of Government in this State.

I compare that with the attitude and approach taken by the Minister for Electoral Affairs and the Government in this Chamber during the debate on this legislation. This is the most significant legislation that has been brought before Parliament since 1904 - or at least half of the legislative package is - and yet it has been rammed through Parliament.

Mr Hyde: You can't say it has been rammed through.

Mr BARRON-SULLIVAN: I have sat in this Chamber as a backbencher - admittedly I was on this side of Chamber even though I was a backbencher in government - while there was debate on important legislation with which members on that side of the Chamber would not have agreed. Labor members sitting on this side complained about guillotines, and so on. However, if we look at the amount of time that was spent on that type of legislation, it becomes evident that the amount of time put into this Bill is puny. I came across an instance in *Hansard* in which members sat for 29 hours straight to debate electoral reform legislation, and that was in addition to a number of other sittings. I do not see the advantage of sitting through the night to debate this legislation when there is another three-and-a-half years before the next election; there is no rush. This legislation has been rammed through the Parliament. Indeed, after only 45 minutes, the Government guillotined the debate on a key question that was raised about a proposed amendment to Bill.

One of the most serious travesties of procedure in this Chamber during the debate of this Bill has been the Government's flat out refusal to consider sending this legislation to a standing committee. It is interesting that independent members, the National Party, and the Liberal Party, all came to the conclusion, independent of one another, that this is the type of legislation that should go to a standing committee.

Mr Ainsworth: Even those who support the legislation.

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Mr BARRON-SULLIVAN: That is a good point.

This is important because it was the first test of the Government's new standing committee process, and the Government has failed that test. If the Government is not prepared to put this legislation before a standing committee when so many members have indicated that that process is necessary to resolve a number of difficulties in the legislation, we have to wonder why we have that standing committee process. The matter was not sent to a committee, and there was no opportunity to resolve intricate details. As the member for Pilbara pointed out, it is very difficult to deal with the detail of the legislation in this sort of debating environment, especially when - to add to the arrogance of the Government's approach - the Minister for Electoral Affairs indicated quite blatantly that he was not prepared to take on board amendments, and so on.

During consideration in detail, the Minister for Electoral Affairs did not even have the courtesy to sit in the Chamber, he did not have the courtesy to bring in an adviser to give detailed advice, and a stand-in minister took his place. To illustrate the discourtesy and arrogance of that approach, when I asked a question about what sort of advice the Electoral Commissioner would provide about a particular provision, I was castigated by the stand-in minister. I was told it was not for a senior public servant to offer that type of information, and if he were in the Chamber, the stand-in minister would not expect the Electoral Commissioner to provide him with that advice in order that it be passed on to me. However, when the Minister for Electoral Affairs came into the Chamber, he willingly offered the exact advice that I had been seeking. That indicated that the stand-in minister did not know what on earth he was talking about. In respect of the matter I raised, he did not know what the Electoral Commissioner would have recommended. However, instead of having the decency and honesty to say "I do not know the answer to that; if the member would like, I will get a message to the Minister for Electoral Affairs", or "I will ring the Electoral Commissioner's office," he tried to pull the wool over my eyes by saying that it was inappropriate to ask that type of question. We have seen total arrogance on the part of the Government during an important stage of the proceedings of this Bill.

When the National Party moved a sensible motion that we should split clause 4 into different components and debate each proposed section separately in an orderly manner, the Leader of the House gave us a tirade about why that should not happen and he accused us of trying to delay the proceedings. However, the opposite was the case. The Opposition tried to inject a degree of orderly consideration into the Bill so that matters could proceed sensibly and so that we could consider each proposed section separately, but the Government would not have a bar of it. The community has had a gut full of one political party saying yes and the other automatically saying no.

Recently, the Opposition was accused by members of the Government of having a knocking attitude. That is not the case. We have endeavoured to work with the Government, the National Party and the Independents and we have endeavoured to be positive in our discussions and deliberations on the amendments to this legislation. The Government has sat with its arms folded and has said that it is not interested in amendments. It wants to pass this legislation and to hell with the principles that uphold our parliamentary process.

Overall, the Government has demonstrated total and utter arrogance. It has tried to pull the wool over our eyes by telling us it would introduce one vote, one value. However, the Minister for Electoral Affairs read some figures that indicates that one electorate would have 12 500 voters and others would have 22 000 or 24 000 voters. I struggle to understand how that is anything like the so-called one vote, one value principle the Government professes. Individual members of the Government have been arrogant. They have stood up and defended what the Labor Party is doing, but they have not given one good reason why this legislation would benefit the constituencies they represent.

Going beyond the issue of this legislation and the one vote, one value system, what are we in this Chamber for? We are here to represent the people who elected us and to represent the constituencies that comprise our districts. I must represent my constituents whether or not they voted for me and regardless of whether they run a small business, or are a union official. We heard a number of speeches from country Labor members who did not give any indication of how their electorates would benefit from this Bill. The Government has been arrogant.

Members in the Liberal Party, the National Party and even Hon Dee Margetts travelled to a public meeting in Lake Grace. It was the first public meeting of its kind to discuss this legislation in country areas, and the Labor Party did not send one representative. There is not one minister in this place in the third reading stage.

Several members interjected.

Mr BARRON-SULLIVAN: The minister has seen the light and has defected to this side. The arrogant Government has ignored the principle of entrenchment and it has ignored the people of Western Australia. It has arrogantly tried to claim a mandate with only 37 per cent of the vote. Individual members have arrogantly

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ignored their constituencies and the Minister for Electoral Affairs ignores the principles of Parliament. The Government and the Minister for Electoral Affairs have refused reasonable requests by Independents and the opposition parties to conduct affairs on fair principles in this Chamber. However, there is a ray of light at the end of the tunnel. If our honourable colleagues in the upper House are able to refer this matter to the Full Court of the Supreme Court, we will have an objective assessment of the legality of this legislation. Members on this side of the Chamber hope that that objective assessment will kill this Bill.

**MR MARSHALL** (Dawesville) [12.04 pm]: I have opposed this Bill throughout the debate because I believe that the one vote, one value system is not fair. A squash player or a tennis player would have a true bearing on fairness. For example, when playing tennis, if the ball lands on the line, it is in. However, I refer to a group of people who play tennis as “quick callers”. Their opponents might hit the ball on the base line with a beautiful shot, but the “quick callers” will quickly call the ball out. Those people go through life with a blackened character.

The Minister for Education - I am not referring to his blackened character - will notice that trait in the school system. There are always some young people who, for some reason, are sneaks. They can be seen at the under 10 or under 11s tennis events. They are usually attired magnificently and look the part and have been coached well. However, when the pressure is on, they sneak a call. They always do it when the score is around 30-40. The worst offenders in sport that I have seen - this is a generalisation - are Victorians. Victorians are taught to win at all costs and to get that big V up, stand tall and be winners. When I coached, I always told the players who were playing against the Victorians not to worry about the “quick calls” at 2-3 - 4-3. I told them that they should worry about the good shot when they were leading 40-30, 5-4 in the third or fifth set, and to aim six inches inside the line. Beware of the “quick call”.

I refer to fairness. I relate this legislation and the way it has been pushed through Parliament as being done by a “quick caller”. The legislation is not fair to country people. Country people will lose eight politicians. They will lose the representation of eight country seats that will be added to eight metropolitan seats, and that is not fair. Country people deserve the right to have their voices heard. By changing the electoral boundaries to boost a higher number of constituents is not the way to go.

During these debates, I have heard that it is supposed to be unfair if 30 000 constituents live in a metropolitan electorate as against 15 000 in a country electorate. It is fair because when a member doorknocks in the metropolitan area, all the houses and urban developments are back to back and side to side. A member who doorknocked in a metropolitan electorate could doorknock 80 residences in the morning. However, in the special rural areas, including Dawesville, members visit half-acre, five-acre and 10-acre blocks. The member must drive to the gate and then walk about 500 metres to get to the front door of the residence. After knocking on the door for a while, and having realised that the occupants are not home, the member leaves a message and walks 500 metres back to the car. A country member might doorknock 20 houses in one day and find only five people at home. I often wonder whether it is worthwhile. Country people need and demand personal service from their members. That illustration demonstrates why 30 000 people in a metropolitan area equal 15 000 people in a country area.

In short, this one vote, one value is a rip-off and it is not good for the country. Why has the Labor Party been so hell-bent on pushing this legislation through?

Ms MacTiernan: What you are saying is that the more land you have, the more vote weighting you should have. For hundreds of years it has been argued that people who live in little houses in the city should not have as much vote as those who live on broadacres because it takes rural members more time to visit their constituents. Therefore, it is argued that they should have more say about industrial relations, the allocation of our education dollars and any manner of social legislation because they have more land. Give us a break! This is the twenty-first century, not the eighteenth century.

Mr MARSHALL: I remind the minister that wisdom is gained from a lifetime of listening when one prefers to talk. If one is smart in life, one should never change a winning game.

The existing legislation has stood the test of time. Governments have come and gone and they have done it fairly. They have had the opportunity to prove themselves. If they are no good, out they go. People are already saying that this Government is a one-term Government. Metropolitan people do not want this legislation. Everyone asks what it is all about. People are happy with the current system. There is no doubt that country people do not want it. I am amazed that the country members of the Government have not stood up for the constituents that they were elected to represent. Country people are very special people. They do not care much

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about the metropolitan area. They have their own community spirit. They have their own sporting arenas and community halls in which they all get together. They have a special relationship that the buzz of the metropolitan area cannot replace. They need to be represented properly.

The Government boasts that it listens to the people of Western Australia. During the debate I thought the Government had a dictatorial approach. I was amazed that, after all the speeches, the Minister for Electoral Affairs gave his point of view as though he did not listen to the wisdom of other members, particularly the member for Pilbara and the Leader of the National Party. He listened but was not bothered to make any changes. He is almost like a dictator. People in the streets do not like dictators.

I queried why this legislation was given priority. I did not receive an answer. I realised that this legislation was to be a sort of smokescreen. There is a lot of legislation to be put through that I consider much more important than this Bill. This Bill was brought forward because it would take up time and the minister did not have to listen. I realised this when I read an article in yesterday's *The West Australian* entitled "Labor fails health test: AMA". It states -

The state of WA's health system has plummeted since the new State Government has been in power, according to the Australian Medical Association (WA).

Why is the House not debating this? It is because we do not have time. We are dealing with one vote, one value. Transport is in disarray, the Mandurah to Perth rail link has got everybody talking, the Peel deviation is not being considered and the Government is breaking election promises. This Bill is definitely a smokescreen. It is being used as a tool to take the heat out of the issues in the community.

Why can we not have a referendum? If the Government is so sure that this legislation is right, it should have the decency and courtesy to listen to the people of Western Australia and educate them about the issue. A great number of voters do not understand the one vote, one value system. The community should be educated so the issue could be put to them in a referendum. If the Government won a referendum under those conditions I would sit back and say that I did not agree with it but the people do, and I would accept the majority vote. That is democracy. What we have seen over the past few days is not democracy, it is dictatorship. Life, particularly in Western Australia, does not work like that.

The average person in the street does not understand the one vote, one value voting system. I know the Labor strategists do. This legislation will destroy regional representation and will take away the voice of the people in Western Australia. It makes a farce of the electoral system. Why does the Government want to do this? It is to entrench Labor's opportunity to control the Government of Western Australia. This legislation is one of the greatest cons that I have ever witnessed in the Parliament of Western Australia. If the Government had any decency the issue would be put to the public as a referendum. People are saying that the Gallop Government is a slow trot Government. I agree with that - look at the number of reviews and the lack of decision-making.

This Bill is the fastest thing we have seen in six months. It is being put through with such speed that it shows that the Labor Government is aware that the feeling of the public is that it has had enough already and this Government is going to be a one-term Government. The Government is already jumping at shadows and it is changing the electoral boundaries posthaste so it can survive as the Government. It may think it is clever and smart but I guarantee this will come back to bite the Government. I put it on record: I do not agree with this Bill.

**MRS EDWARDES** (Kingsley) [12.17 pm]: I will succinctly reiterate the issue of the Government's mandate. The Government often uses the term whenever it wants to bring in a change of policy or commitment. I want to revisit the research I presented to the Parliament about what a mandate is based on. Is it based on the number of seats in the Legislative Assembly? When one considers that the Government won only two seats in its own right I doubt whether it gives it a mandate. Is it based upon a majority of seats in both Houses? The Government does not have that. Is it based on the percentage of votes? Again, this Government has the lowest percentage of primary vote of any Government. It does not have a mandate on the basis of percentage of votes. Is it based on the platform of promises or is it just on the matters that are brought up at the time of the election? Was the election fought on electoral reform? Not by the Labor Government - absolutely not. It wanted to keep that matter as quiet as possible. It was discussed only when the coalition raised the issue in country and regional areas. The issues raised by the Labor Party, in the main, were health and finance brokers. One vote, one value was not part of the Labor Party's election platform that it took to the people. That is why the Opposition asks for it to be put to a referendum.

I want to bring to the attention of the House a comment made by a member of the Scarborough Beach Senior High School action group. The group believes that the ALP's policy of one vote, one value is not a true or total

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commitment and that the ALP uses it only when it suits it. A survey was conducted of people in and out of the affected area. The local surf club was granted 210 votes and the junior basketball club was granted 100 votes. The member of the action group said that the voting was loaded. He said that the process adopted was not one vote, one value within the catchment area for the district and thus was against ALP policy. He said that if the ALP were true to its policy, it should make the voting null and void and simplify the vote to apply just to the residents within the catchment area. Many residents within the catchment area did not even get a vote despite their ringing up and asking for the voting papers. They never got the papers.

The other question was, that if two people in a household disagreed about whether or not to support the proposal, they got two votes, but if they both agreed, they got only one vote. This member of the action group said that the Australian Labor Party policy of one vote, one value applies only when it suits the party. In this case it is to be used to entrench the Labor Party into government for as long as it likes.

**MR SWEETMAN** (Ningaloo) [12.20 pm]: I have made my feelings known on this Bill at the second reading and consideration in detail stages, and it would be remiss of me not to sum up what I believe will be the implications of this Bill to country voters. I said earlier that I found it hard to wind into this debate because I have understood since the election, and the change of government, that electoral reform was inevitable. Some conditioning has taken place, which has created a sense of resignation to the fact that electoral reform will happen whether the Opposition likes it or not.

Nevertheless, it needs to be said that this is a sad day for country Western Australia. It is the end of a very personal type of representation. I am not saying that this does not happen in city electorates, but a country member of Parliament, because of the diversity of interests in his electorate, and the various communities, spends time not just representing the views, wishes and opinions of the people in the electorate, but also in coming to understand the character and personality of different communities. To some extent, the role of a member of Parliament, particularly a country member, can be compared with that of the Governor.

I was privileged, the other day, to be at Gascoyne Junction, while the Governor, John Sanderson, was there. He did an extraordinary job. I have seen him at work a couple of times now, and he is a more than adequate replacement for his predecessor, Michael Jeffery. He relates to people very well. He does not go into an area, like members of Parliament or ministers do in the run-up to an election, and promise the world: a recreation centre here, bitumen in our time, and so on. He simply tries to make people feel good about themselves, and he was overwhelmingly successful at that at Gascoyne Junction. Members can learn from people like the Governor, because all of us want to be like that; we want to be statesmanlike, to nurture and encourage, and bring out the best in people. Quite often we do not, because of the way we act in this place, and as a result of some of the baggage we take back into our electorates. This does not foster the sort of enthusiasm and good that is innate in each of us.

I have been concerned at some of the comments that have been made, that reveal the position of various people on one vote, one value. I read, prior to the election, a section of *Hansard*, which was about three or four years old, in which the member for Cockburn was making the point that he believed his electorate was missing out on services. It was a safe Labor seat, and he did not believe he was getting a reasonable rub of the green. My colleague, the member for Carine has said similar things. It is interesting to compare notes on the budget each year. My electorate receives huge amounts of capital expenditure. It does not go into the one place, but is spread around the electorate. The member for Carine suggests that her electorate, being a relatively safe seat, does not seem to be getting its fair share, compared with the electorate of Ningaloo. I am not sure that this has anything to do with the abilities of individual members; rather it has to do with a Government going into various areas, seeing need and trying to do what it can to overcome problems, so that there is some equity between the city and the regions. Governments of all persuasions try to achieve that.

I am concerned that the change in country representation will mean that the Government will cease to feel for country people, the way Governments have done traditionally. This is not because they are necessarily worried about the lack of voice the country will have, but because there will no longer be those members who come into this House, or into Caucus, or wherever, and lobby hard, long and passionately to improve the circumstances of their people. It is not correct to say that country members have been privileged to have fewer electors, or that they may not be as effective as city members because they do not have the same number of constituents as a Perth electorate.

I take the example of health services. My electorate is a classic example. The per capita cost of providing health services, whether through clinics, visiting specialists, the nursing post or the Gascoyne Health Service itself, is very high in my electorate, and provision of health services is a difficult task. We do not go back to those people

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and say that because health standards are at a certain level in the city, and may not be as high in the regions, the people responsible for the provision of those services are not good at their jobs. They see fewer people, and it costs more per head to see them, and it is one of the things country people have to learn to live with.

I am concerned that large issues will arise that, without the present level of representation, will not be properly addressed. The forest issue is an interesting case. It would not have been an issue of such prominence in the minds of the public, on television every night and on the front page of *The West Australian*, if the forest area were not represented by its present number of members. If the representation were halved, the change would have been swift and would not have been as compassionate, even though some aspects of the package delivered to the timber community were not at all compassionate. The change would have come about swiftly and smoothly; people would have been hurt, and then gone away to lick their wounds with no one to plead their case in this Parliament. Fishing grounds in some sensitive areas, such as marine parks and world heritage areas, will be the focus of attention in the future. With less representation and political clout in those areas, I can see industry and communities being affected. I regret the change in our electoral system, although the Labor Party is being true to its foundations in implementing this measure.

Much has been made of the fact that country people should enjoy some weighting and preferential treatment because of the wealth they produce. I have never used that argument to encourage certain views, or to create a certain mindset in my constituents, because it establishes two different classes of people, as has been said accurately by government members. I have lived in Carnarvon all my life, and I can recall the seething resentment that townspeople had for those in the pastoral industry, because they saw them as landed gentry and privileged. I do not wish to pass an opinion on that, but I lived in a town that did not like that section of the community. There is no question that the pastoral industry produced a huge amount of wealth, but it should not have entitled it to the say it had in local government. Ultimately, a Labor Government addressed that situation, to balance the voting between pastoral regions and townspeople. That was a fair thing to do. It would be equally remiss of me today to say that country people should enjoy extra clout in this Parliament because they produce all the wealth. We are not representing people because they produce wealth, we represent people because they have specific and quite unique needs that must be addressed.

**MR BARNETT** (Cottesloe - Leader of the Opposition) [12.28 pm]: There is a fundamental difference between the Labor Party in government and the Liberal Opposition on this issue. The Labor Party interprets electoral matters as simply one vote, one value, and places a very narrow interpretation on that term. It does not give due recognition to the concept of fairness, or to the interests and the legitimate needs of country Western Australia. This is a clear case of Dr Gallop, as Premier, turning his back on country Western Australia. There is absolutely no doubt about that. This will be the key issue in rural, regional and remote Western Australia over the coming years and through to the next election. Members should not make any mistake about this legislation; the Labor Party is about to vote against the country people of this State, who provide agricultural, fishing, forestry, mining and tourism resources. Rural and regional Western Australia and the people who live there make this State special, unique and of regional and international importance. Western Australia is unlike literally thousands of other places around the world. However, this legislation will make this a metropolitan Parliament, which will be dominated, in every sense, by metropolitan members and their issues.

The next election campaign will be dominated by issues of the metropolitan area, because that is where the contest will be. There will be a scramble for city seats. For this House of finance and government to have 42 members representing the Perth metropolitan area and only 15 representing the rest of the State will create a dysfunctional Parliament for a State with the nature, size and diversity of Western Australia. This is a grave disservice, not only to country people today, but also to the future economic and social development of Western Australia. The Government is selling the future of this State short by this narrow interpretation of what it considers to be political equality.

The second point I wish to make is that the position of Attorney General is unique among cabinet positions. The Attorney General is often described as the first law officer. Why is that term used? It is used because the Attorney General has the responsibility to uphold the letter of the law, whether he agrees with it at the time or not. The Attorney General must also uphold the spirit of the law. The spirit of the law in the existing case clearly came about through the original constitution arrangements - the so-called entrenchment provisions. To change that electoral law, there must be an absolute majority in both Houses. The Labor Party won the election, but it did not gain a mandate. The mandate it needed to change the electoral law was an absolute majority in both Houses. Although it won a large number of seats, it did not win that mandate. The Labor Party does not have an electoral political mandate for this change under the definition in the constitutional electoral arrangements that underpin the existing law. The first law officer is using stealth, deceit and subterfuge to

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subvert and get around the law of the land. The Attorney General does that position a great disservice by the way he has approached this legislation.

The third point I wish to make is that if, as the Deputy Leader of the Opposition asserted, the Attorney General and Minister for Electoral Affairs has reached some sort of deal with the Greens, which will assist the Labor Party in the lower House and the Greens (WA) in the upper House -

Mr McGinty: That is only an assertion.

Mr BARNETT: The Minister for Electoral Affairs will have an opportunity to speak in a couple of minutes. I hope that he has the integrity and honesty to tell this House whether he has reached such a deal and what it might involve, because this is the House of government. The Minister for Electoral Affairs, as a member of the Executive and of Parliament, is accountable to this House. He should tell this House whether a deal has been done and whether part of that deal will increase the number of members in the upper House by two. At no stage has the Minister for Electoral Affairs, the Premier, Dr Gallop, or any member of the Labor Party told the electorate that this electoral change will increase the number of members of Parliament.

Mr Barron-Sullivan: The Minister for Electoral Affairs is on the record as saying that he does not like the idea of increasing the number of members in the upper House.

Mr BARNETT: He has a clear responsibility in terms of accountability, integrity and honesty to stand up in this Chamber and to tell us whether he has reached some sort of arrangement with the Greens and whether that arrangement will cause him to bring this Bill back to this House to insert a provision for two extra members of Parliament. The Labor Party certainly did not campaign on that change. It may have campaigned on the issue of one vote, one value, but it never told the people of Western Australia that it intended to increase the number of members in the upper House. That is the House to which the Government has refused to apply the so-called principle of one vote, one value and which it has criticised! The Government now intends to increase the level of representation in that House.

The Liberal Party will oppose this legislation in the upper House. As the Deputy Leader of the Opposition mentioned, a legal doubt now exists about the validity of this question. Whether that legal doubt stands up or goes to the Supreme Court and succeeds or fails, it does not remove the point that there has been connivance in the handling of this legislation. There is no moral justification for the way the Minister for Electoral Affairs has handled this Bill and has contrived to get around the constitutional, legal and parliamentary safeguards of the system of law in this State.

**MR MCGINTY** (Fremantle - Minister for Electoral Affairs) [12.35 pm]: This brings to a close the debate in the Legislative Assembly on one of the most important pieces of legislation that this House is likely to deal with during this term of government. I will begin my closing comments with a quote from the November 1992 report of the Royal Commission into Commercial Activities of Government and Other Matters. In point 5.1.8 it said -

As the House of Government . . . the Assembly must be constituted in a way which is truly democratic in character, . . .

In point 5.3.9, the royal commission said -

There are democratic arguments which are compelling, which suggest that . . . a majoritarian approach should prevail in the Legislative Assembly, . . .

Further down, in point 5.3.13, it said -

The democratic principle by which the majority of votes in the Assembly determines the formation of the government is generally and properly understood to require as close to equal value in the votes of electors as is practicable.

We all know that the Commission on Government recommended Parliament legislate to give effect to one vote, one value. It said that Western Australia should have one quota and that the vote of every citizen in the State should, as near as practicable, be equal within a recommended 15 per cent tolerance - this legislation provides a 10 per cent tolerance. The basic thrust of the legislation is contained in the recommendations made by the royal commission in 1992, which were not implemented by the previous Government.

The Commission on Government recommended that the Parliament legislate to do what we are doing here. It should have been done in both the Legislative Council and Legislative Assembly, but I am a realist. I know that legislation to apply those provisions in the Legislative Council would be opposed by every political party, apart from the Labor Party. I will be frank about that. While I would have liked that to be achieved, it was not achievable. I am not in the business of banging my head against a brick wall, trying to achieve this sort of



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change when it will clearly fail. For the record, both the royal commission and the Commission on Government recommended the principle this Bill is designed to achieve. I would have liked to go further to achieve something similar in the Legislative Council.

The Leader of the Opposition referred to my role as Attorney General. I see my role as giving effect to changes to the law, as recommended by bodies such as the Commission on Government and the royal commission, and which they regarded as fundamental to the integrity of our democratic system in this State. That, to me, is important.

For the benefit of members and in response to the question posed by the Leader of the Opposition, I will briefly relay the way in which this matter has come before the House. The Labor Party in this State has stood for the notion of electoral equality and fairness for 100 years. That was first introduced to this Parliament by way of legislation in 1913 and the Labor Party has believed in it ever since. When the Labor Party won government on 10 February, I began talking with each interest group in the Parliament, apart from One Nation. I told them what the Government wanted to do with this legislation - that it wanted a system of one vote, one value in both Houses of Parliament. I sat down and discussed this issue with the National Party, the Greens and the Liberal Party. I did not particularly discuss this matter with the Independents.

Only the Greens (WA) were prepared to enter into a dialogue with the Government. To cut a tale about a long series of negotiations short, they were not prepared to see one vote, one value introduced into the Legislative Council, but they were prepared to support that principle in the Legislative Assembly, subject to certain qualifications. The Government proceeded with those discussions and, by and large, this Bill reflects the what the Greens and the Labor Party could agree to change in the Parliament as a whole.

Contrary to the suggestion, no deal has been done with the Greens. The Government's position remains that it is opposed to two additional seats being created in the Legislative Council. That position was relayed to the Greens as late as yesterday evening.

Mr Barnett: Do you rule out bringing this Bill back to the lower House?

Mr McGINTY: As I started this process, I said that the principle behind the legislation was the establishment of electoral equality in both Houses of Parliament. The Government was forced to compromise in two significant areas: first, in the totality of the Legislative Council; and, secondly, weighting for the Mining and Pastoral Region. I will watch with some interest what comes out of the Legislative Council. I give no commitment on that, because I believe that all options should be left open to achieve electoral reform in this State.

Mr Day: Even if it means more members of Parliament?

Mr McGINTY: I do not want that. I have clearly stated the Government's opposition to that mechanism. I do not accept that there should be 50-50 representation from the city and the country in the Legislative Council. Similarly, I do not accept that every region should be equally represented. That is the Greens' position, not mine.

Mr Barnett: It would make a mockery of your Premier's much-promoted and heralded policy of reducing the size of Cabinet.

Mr McGINTY: I do not see the justification for the Greens' proposition. I cannot be any clearer than that. No deal has been done to give effect to that. I reiterated last night the Government's opposition to that view. The Greens' model includes 36 members in the Legislative Council - six from each region - and 50-50 country to city representation. The Government's model includes one vote, one value applying in the Legislative Council. It has dropped that aspect of the model, but not as a matter of principle. The Government will continue to try to achieve that goal, but it was futile to pursue it as part of this legislative process. As a result, the Government has written the status quo into this legislation.

The Greens are persisting with their proposal - they want an increase in the number of members in the Legislative Council. The Government does not support that model. However, I am not shutting off any options that might emerge. That is the most succinct answer I can give to the question put to me about the Government's position vis-a-vis the Greens.

Obviously, to pass through the Parliament, the legislation must attract the support of a majority of members in each House.

Mr Barnett: You need an absolute majority.

Mr McGINTY: Technically we do not.

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Mr Barnett: You may not legally, but morally you do.

Mr McGINTY: The Opposition has referred to my responsibility as Attorney General to uphold the laws of the State. The Government has acted on the advice of the Solicitor-General. The Leader of the Opposition is welcome to pick an argument with the Solicitor-General.

Mr Barnett: I am no lawyer, but, if you are proved wrong about this mechanism, will you step aside as Attorney General?

Mr McGINTY: Of course not. The leader should not be silly. The Solicitor-General is an independent statutory office holder. His responsibility is to give the best legal advice he can to the State without fear or favour. As the member for Kingsley is aware, he does that admirably.

Mr Barnett: Did he advise you to take this path?

Mr McGINTY: Yes.

Mr Barnett: Did he advise that this is the course of action you should take?

Mr McGINTY: As I said in answer to the member for Mitchell -

Mr Barnett: I doubt that he did.

Mr McGINTY: The Government asked for advice on what was needed to comply with the law to achieve this outcome. His clear advice was that the law would be complied with if we did what we intended to do with this legislation. The leader should pick an argument with the Solicitor-General, not me. The criticism might have some validity if I had rejected the Solicitor-General's advice about how to proceed or not sought his advice. The advice is in writing and it is crystal clear. His clear view is that what is being done is what the law of this State requires. The leader cannot ask me for more than that.

The leader might believe that something should be done differently. I had a notion that it was improper for the leader when he was in government to ram through changes to the industrial relations laws knowing that the people had voted the coalition out of power despite the little quirk that allowed the Legislative Council to stay in office. That gave members opposite the opportunity to abuse their power and it should not have been tolerated. This is perfectly and exactly what the law requires.

I conclude with the words of Hon E.G. Whitlam when he introduced legislation in 1973 to achieve something similar to the legislation we have before us; that is, to effect electoral equality within a 10 per cent tolerance. This is what the great Gough Whitlam had to say -

We believe the purpose of this Bill to be a clear and honourable one. Its basic principles have been recognised by the Supreme Court of the United States for ten years and by an all-party committee of our Parliament for 15 years. It affirms the Government's belief that every person's vote is of equal value no matter where that person lives. It affirms our belief that all men and women should be equal in making the law as they are before the law. It gives to those who sit in this Parliament the opportunity to stand up and be counted, to say whether they believe in these democratic principles and, above all, in the supreme principle of one vote one value.

I commend the Bill to the House.

Question put.

The DEPUTY SPEAKER: There have been some differences of view about whether an absolute majority is required for the passage of this Bill. My view is that it is not required. However, to ensure it is clear whether the Bill is passed by an absolute majority, and as I heard dissenting voices, I will divide the House.

Question put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Thursday, 30 August 2001]  
p3450b-3474a

Mr Jim McGinty; Mr Max Trenorden; Acting Speaker; Mr Hendy Cowan; Mr Matt Birney; Mr Larry Graham;  
Mr Dan Barron-Sullivan; Mr Arthur Marshall; Mrs Cheryl Edwardes; Mr Rod Sweetman; Mr Colin Barnett;  
Deputy Speaker

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Ayes (31)

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

Noes (15)

Mr Ainsworth	Mr Day	Mr Johnson	Mr Waldron
Mr Barnett	Mrs Edwardes	Mr Marshall	Ms Sue Walker
Mr Birney	Mr Edwards	Mr Sullivan	Mr Bradshaw ( <i>Teller</i> )
Mr Cowan	Mr Graham	Mr Sweetman	

Question thus passed.

Bill read a third time and transmitted to the Council.