

Mr John Kobelke; Mr Dan Barron-Sullivan; Mr D.F. Barron-; Attorney; Mr Max Trenorden; Acting Speaker; Dr Geoff Gallop; Mr Matt Birney; Ms Dianne Guise; Mr Jeremy Edwards; Mr John D'Orazio; Ms Sue Walker; Mr Martin Whitely; Mr Brendon Grylls; Mr Alan Carpenter; Mr Phillip Pendal; Mrs C.A Martin; Mrs Carol Martin; Mr Paul Omodei; Mr Peter Watson; Dr Janet Woollard; Mr John Bowler; Mr Tony Dean; Mr John Hyde; Mr Arthur Marshall; Mr Tony McRae; Mr Colin Barnett; Mr Jim McGinty; Speaker; Mr Bill McNee

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**PRESIDENT OF THE LEGISLATIVE COUNCIL, DELIBERATIVE VOTE**

*Matter of Public Interest*

**THE SPEAKER** (Mr F. Riebeling): Today I received a letter from the Deputy Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this House calls on all state members of Parliament, especially members of the Greens (WA) and all country members of the Labor Party, to reject the Attorney General's unprincipled, undemocratic and unlawful scheme to give the President of the Legislative Council a deliberative vote.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis.

*Standing Orders Suspension*

**MR J.C. KOBELKE** (Nollamara - Leader of the House) [2.55 pm]: I move, without notice -

That so much of the standing orders be suspended as is necessary to enable, by this motion, the time limit specified under Standing Orders Nos 145 and 101 to be doubled for the matter of public interest today.

It is not my intention to establish this as a standard procedure. The Opposition indicated that this matter is of great importance to it and that it may seek to suspend standing orders. I did not believe that was the most appropriate way to go, but that course is open to the Opposition. However, in light of the cooperation that has been extended from the Opposition this week in the rearrangement of sitting hours, the Government is willing to accede to the Opposition's request and to provide additional time by way of this special suspension of standing orders. This will have the effect of doubling the speaking time to give the Opposition more time to present its case on the matter of public interest that it has raised today.

Question put and passed with an absolute majority.

*Matter of Public Interest Resumed*

**MR D.F. BARRON-SULLIVAN** (Mitchell - Deputy Leader of the Opposition) [2.56 pm]: I move the motion.

Essentially, the Government intends yet again to bring into this Parliament legislation to stack the numbers in the upper House in the Government's favour. It is the Government's intention to give the President of the upper House a deliberative vote in addition to a casting vote. It would be necessary to amend section 14 of the Constitution Acts Amendment Act 1899 to give the President of the Legislative Council a deliberative vote. Undoubtedly, a constitution acts amendment Bill will be introduced into the Legislative Council - I believe that is the Attorney General's intention - to amend the current provisions; possibly along the lines of section 23 of the federal Constitution whereby the President would be entitled to a vote at all times, and when the votes are equal the question would be negatived. I presume that is the way in which it will be done. If it is not done in that way, the President would be given two votes in some instances.

However, there are some difficulties with this matter. The first difficulty stems from comments made by the Premier and some of his colleagues back in 1997, when exactly the same proposal was considered. The proposal had been put forward by an academic at the University of Western Australia, Professor Campbell Sharman. The Government of the day said that it would take on board all suggestions and that his was one suggestion that the Government was considering. Ultimately, the Government of the day decided not to go down that path, and I commend it for making that decision. When the matter came into the public arena, the now Premier - the then Leader of the Opposition - blew a gasket; he went spare. In fact, on 21 January 1997 his opposition was reported in *The West Australian* as follows -

Opposition Leader Geoff Gallop said the proposal to upgrade the president's voting rights was a cynical attempt to subvert the will of WA voters.

We cannot get much stronger opposition than that. He went on to say -

I remind the Government that there is no mandate from the election process -

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Of course, there had just been an election -

for the proposal to give the President of the Council a deliberative vote, because it was not an issue at the election. It was not debated, nor was it a recommendation of the Commission on Government.

The obvious question is: what has changed since then? I do not remember this being an issue at the last election.

Dr G.I. Gallop interjected.

Mr D.F. BARRON-SULLIVAN: I look forward to the Premier telling us in his response when he said he would give the President a deliberative vote.

Dr G.I. Gallop: Even your leader says we have a mandate for one vote, one value.

Mr D.F. BARRON-SULLIVAN: I would like the Premier to give me one example of where he said that in one electorate, because we cannot find any. The Premier has absolutely no mandate. For that reason, the then opposition leader Dr Gallop said, as reported in *The West Australian* of 17 January 1997 -

... all MPs have a responsibility to resist such moves.

Dr G.I. Gallop: Absolutely.

Mr D.F. BARRON-SULLIVAN: What has changed since then? Other members had a view on this. According to a newspaper article, upper House member Hon Tom Stephens said -

... he was hostile towards a Government proposal -

It was not a government proposal -

to upgrade the voting rights of the Upper House president . . .

“It’s not necessary and thwarts the task the people have given to the Parliament,”

He also said that “a proposal to remove from the President his impartiality and give him a political role with a deliberative vote” was something that members opposite should not support. At that time, government members were vociferous and clear in their opposition to this course of action. Members should bear in mind that the taxpayers in this State have already paid a considerable amount to deal with a constitutional matter in the Supreme Court. It is far more than the \$30 000 that the Attorney General would have us believe. It is our understanding that the figure is much closer to \$3 million.

We hear the diatribe from the Government that the Senate has a system in which the presiding officer has a deliberative vote. That is the case. The Senate also has a vote weighting of around 13 to one in some cases. At the last election, 329 605 voters in Tasmania returned six Senators. That is a vote weighting of 12.8 to one. I would be delighted to hear the Attorney General’s argument if he is suggesting that that sort of country vote weighting should apply in this State. I think it would be an extreme point of view. The Government cannot model constitutional change on one aspect of the Senate. We know that the four upper Houses in the other States do not give the Presiding Officer a deliberative as well as a casting vote. I suggest that the Government is taking this action for blatant political gain. Once again, the Gallop Government is putting the interests of the Labor Party ahead of the interests of the people of Western Australia. I have news for the Premier, because what he is doing is unlawful.

Dr G.I. Gallop: Gee whiz!

Mr D.F. BARRON-SULLIVAN: He should not take my word for it.

Dr G.I. Gallop: Whose word?

Mr D.F. BARRON-SULLIVAN: This is the Premier’s word. A newspaper report published on 14 January 1997 states -

Dr Gallop said changing the Constitution was a legal minefield. Not only would the Government need an absolute majority -

Is that right?

Dr G.I. Gallop: Changing the Constitution is a legal minefield.

Mr D.F. BARRON-SULLIVAN: Is it the case that the Government would need an absolute majority? He has gone quiet.

Dr G.I. Gallop: No, I have not.

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Mr D.F. BARRON-SULLIVAN: The Premier will not answer the question.

Dr G.I. Gallop: Read the Wilsmore case. You might learn something.

Mr D.F. BARRON-SULLIVAN: The Premier said, "Not only would the Government need an absolute majority". In fact, he even gave the number needed for an absolute majority - 18 members of the Legislative Council. He continued to say, "but it might need to hold a referendum". He has gone very quiet all of a sudden. Members should not take my word for it. They should listen to the Premier, who said that to give the President a deliberative vote would need an absolute majority of 18 MLCs, and maybe even a referendum. Members should not take my word for it; on this occasion, they should listen to the Premier. We know the Labor Party has been to the courts twice on this matter. Its members had to pay the first time. They had to chip in \$5 000 a head. The next time, the party was in government, so it made the taxpayers pay.

Dr G.I. Gallop: You challenged it; we did not.

Mr D.F. BARRON-SULLIVAN: We will fight it tooth and nail. We will go to the courts if necessary. Unfortunately, we can see that the Government will incur an additional cost for the community. I challenge the Premier. The Government lost the last court case. His Attorney General lost it for whatever reasons on whomever's advice. The buck stops with the Premier and the Attorney General. The country communities had to dip into their own pockets to fight their case. Will the Premier reimburse their money?

Dr G.I. Gallop: No, of course I will not.

Mr D.F. BARRON-SULLIVAN: The Premier's actions resulted in an unnecessary expense for country people, and now he will not assist them.

What now? The Greens (WA) in the upper House have a key role in this matter. Frankly, I do not envy their situation. I do not agree with their position on so-called one vote, one value. I commend the Greens for agreeing to the notion of taking the matter to the Supreme Court to be deliberated upon. I now implore them to look at the matter objectively, and to consider that if they and others do not prevent what the Government is attempting to do, we will be back in the courts. More importantly, the challenge is to the Labor Party's country members. I have released a statement calling for the member for Eyre to move a motion at the next Labor Party caucus meeting to put an end to this nonsense once and for all; to get the Labor Party to back away from this and get on with life and looking after the real priorities in this State.

Mrs C.A. Martin interjected.

Mr D.F. BARRON-SULLIVAN: We are calling on members like the member for Kimberley to put their local communities ahead of the interests of their political party and to back that motion in the caucus room to oppose what the Attorney General is doing so that they can sleep straight in bed at night. If that motion is passed, the members for Kimberley, Bunbury, Collie, Mandurah and Geraldton - all the country members of the Labor Party - would know that they stood up for their local communities. If they do not, their communities will remember it in two years.

I have one final message for the Premier and the Attorney General: I will see them in the courts.

**MR M.W. TRENORDEN** (Avon - Leader of the National Party) [3.06 pm]: Next week will mark a very sad day in the history of the Western Australian Parliament. It will be one of the saddest days in the history of Western Australia since colonisation and the establishment of the Westminster system in our great State. It will be a very sad day when the political obsession of the Attorney General and the Premier of this Labor Government results in a proposal to alter the Constitution of this State. The massive hypocrisy of this historical event is that the Constitution will be altered without consulting the very people whom it protects solely to achieve supposed electoral equality. This is a stunning hypocrisy. Dirty deals in smoke-filled back rooms have been done to alter the Constitution of this State purely so the Attorney General can pass his electoral amendment Bills.

The Attorney General said on radio yesterday that his Government had 18 votes in the Legislative Council, so the Bill to alter the Constitution will pass. By anyone's calculation, the Australian Labor Party has 13 votes in the Council. However, Hon Kim Chance said in the other place yesterday -

The Opposition should count the number of the Labor Party and Greens (WA) members in this House. It should determine that the Government has an absolute majority.

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The National Party awaits the official announcement that the Greens have become a formal faction of the ALP and will attend the next conference. Perhaps the Attorney General, who is a supporter of the 60-40 rule, could tell us how the Greens will fit into the Labor Party's union-dominated arrangements.

I take time to focus on the Greens. To provide an idea of the premise of the Greens party, I refer to the participatory democracy policy, which is published on their web site for anyone to look at.

Mr N.R. Marlborough interjected.

The ACTING SPEAKER (Mr McRae): Order! The member for Peel's armrest does not constitute a seat.

Mr M.W. TRENORDEN: The policy states -

People have the need, responsibility and right to be directly involved in the economic and political decisions that affect their lives, and the recognition of this is fundamental to all decision-making processes and actions of government, economic and other social institutions

There is no greater bastion of democracy in our society than the State Parliament. There is no document more fundamental to the State than the Constitution. Despite the Green's policy, it has done a deal in the back room. The people of Western Australia have been sold out. It is beyond question that the Government's proposal to change the Constitution is abuse of the fundamental rights of the citizens of Western Australia. The Constitution protects the democratic system of the citizens of Western Australia.

I freely admit that at times people have needed protection from the Government of the day. The Constitution is the province of the people, not of politicians. If amending the Constitution is about giving people enhanced democratic rights, it should be used to let the people decide. For two simple reasons the people should decide whether their Constitution should be changed. It is their democratic right and the public will bear the consequences of the legislation. The public will no longer have a Legislative Council that is a House of Review. The public will find themselves in the hands of a Labor Government that has changed the rules to suit itself - so that the upper House mirrors the lower House. The public will have an upper House that may very well become a rubber stamp for legislation that passes through the Assembly by the sheer weight of government numbers, with which members on this side disagree.

The very operation of the Parliament will change forever if the President is allowed a vote. The independent umpire in the upper House will no longer be independent. The umpire will preside over debates knowing that he has a predetermined position because of a party-room decision. It is both farcical and hypocritical to suggest that the people of the President's electorate have been affected because their views have not been represented in the upper House.

We all know that the Labor Party votes on party lines and it is very clear that the ALP is seeking to ensure passage of all its legislation by endeavouring to give the President a vote and by using the vote of the new formal wing of the ALP known as the Greens.

If the Attorney General is genuinely motivated to ensure that all citizens of Western Australia can voice their opinion, he should ask them if they want the Constitution amended and if they want the House of Review, as it has stood for more than a century, to become a political rubber stamp.

The irony in this debate is that the object of giving the President the vote is certainty for the passage of the Electoral Amendment Bill. It is about "one vote". We are changing the history of Parliament for "one vote". Neither the ALP nor the Greens campaigned with an election policy to alter the State's Constitution. Neither the ALP nor the Greens won the last election with a mandate to alter the Constitution. It is a tremendous display of arrogance and deception to be pushing for this change to the Constitution without asking the people. At this time in our lives we should be seeking to unify the community. We should be creating an environment of safety, community solidarity and support. Given the division this has caused in the community, it is highly inappropriate to continue to seek electoral reform. The issue has been through the democratic process and it has been lost. Members of Parliament vigorously argued the issue of electoral reform and regional communities have expressed very strong views. The Premier and the Attorney General should accept the fact that they took the legislation through the parliamentary process and lost. The Government should now be squarely focused on uniting the community, not on fuelling the great divide.

The Government should make sure that naval ships can dock at the Broome port rather than be forced to wait because facilities are inadequate. Our state security should be paramount so that we can all feel that bit safer. The Government should focus on health professionals who are working overtime and doing a fantastic job. The

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priority for government time and taxpayers' money is clear. We should be uniting and supporting our community and concentrating on keeping it safe.

In accordance with the principle the Premier has espoused for as long as I have known him, he should let the people decide whether they want to change the nature of the highest law-making institution, the two Houses of Parliament. Let them decide whether they want the House of Review altered to become a political rubber stamp. Let them decide whether this should be a priority for the Government at such a tumultuous time in our lives. This is an important time in the history of Western Australia and the message is: let the people decide.

**DR G.I. GALLOP** (Victoria Park - Premier) [3.16 pm]: We are witnessing the playing out of a theme that has been a permanent feature of Western Australian politics throughout the twentieth century and into the twenty-first century because people on the Labor side of Parliament have been making a consistent effort to bring fairness to our electoral system and people on the non-Labor side have been making a consistent effort to thwart the achievement of fairness in our electoral system. It is an enduring, consistent theme. The arguments have been the same. The one difference now is that we have a Labor Government with a clear mandate to introduce one vote, one value. That has never occurred before in our history. A majority of members of this Parliament favour electoral reform. That is the big difference now. That is why members opposite will fight vigorously and ruthlessly to protect the system.

Mr M.J. Birney: How many electorates did you distribute pamphlets to during the election telling people that your Government was going to bring in one vote, one value?

Dr G.I. GALLOP: I do not think I need to refer to the contribution I have made on that subject over many years. People know about it. However, I will refer to the Liberal Party's contribution to this matter. It distributed advertisement after advertisement in the country that contained the words "Labor wants to put your seat into the city". What happened? It was beaten in the election. In other words, this Government has a clear mandate to introduce one vote, one value.

The consistency of our efforts in this is remarkable. In 1913 the Scaddan Government introduced a Bill that would have moved the electoral system towards one vote, one value in numerical equality. However, the Legislative Council, controlled I might add by the then Liberal Opposition for many decades, sought a range of unprincipled amendments that would have required metropolitan and central goldfields seats to have a quota one-third above the statewide quotient and the Agricultural and Mining Regions one-fifth under the quotient. It was trying to deny the people of the goldfields a vote. Do members opposite know why? The people of the goldfields had the gall to vote progressively.

The Labor Party has wanted to do this for many years and has never been able to achieve it. In the last election we went to the election with a policy to achieve one vote, one value. It was opposed by the Liberal and National Parties. Labor won the election and now we find that there is a clear majority in this House and in the other House for change.

Mr C.J. Barnett: No there is not.

Dr G.I. GALLOP: There is. A Bill passed through the Parliament on a clear majority to bring about change. We have a mandate.

Mr C.J. Barnett: When did you raise changing the Constitution during the election campaign? At no time.

The ACTING SPEAKER (Mr A.D. McRae): Order! Members, there has been a bit of interjection, which is okay, but when it descends into absolute chaos there is no point in continuing with it. When I call "Order!" members should stop interjecting and allow the speaker on his feet to resume the debate. Members can then kick off again.

Dr G.I. GALLOP: The Opposition says that I do not have a mandate. On 2 March 2001 the Leader of the Opposition was quoted in *The Australian*. The article states -

Opposition Leader Colin Barnett has signalled that he is willing to negotiate on Labor's one-vote, one-value electoral reforms, opening the door for debate on Western Australia's parliamentary system.

The article goes on to state -

Former Premier Richard Court lobbied against electoral change during the campaign but his successor said yesterday that the Liberals would play a part in debating upcoming legislation.

Mr Barnett said that he expected Premier Geoff Gallop to claim a mandate for one-vote, one-value.

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I did indeed claim a mandate, and I have a mandate as a result of the election. We took our Bill through the lower House and through the upper House and, as a result of a Supreme Court decision, that Bill will not become law. We are therefore coming back into the Parliament again and giving the Parliament a chance to decide on this matter. We will do what we believe is necessary to ensure that the will of the people, as reflected in the election and the constitution of the two Houses of Parliament, gets a fair go.

The Deputy Leader of the Opposition has great delight in claiming some form of inconsistency on my part, but there is no inconsistency. I have consistently advocated against injustice and advocated justice. Indeed, what the conservatives wanted to do back in 1997 was to maintain their majority in the upper House, even though 55 per cent of the electors chose other parties. It was a blatant attempt to maintain their privileges. Quite appropriately I opposed it. Giving the President a vote will not give the Labor Party a majority. What we are proposing will be a means by which to end the injustice that exists in Western Australia. Ours is a totally legitimate aspiration given the current resistance that we are experiencing from the conservatives.

Mr C.J. Barnett: You know that what you are doing is a disgraceful sham.

Dr G.I. GALLOP: The Leader of the Opposition believes that when he advocates a particular proposition, the more insulting adjectives that he uses somehow add to the power of his argument. I can assure the Leader of the Opposition that they add absolutely nothing to his argument. The public knows what his argument is: it is a justification of injustice; it is as simple as that. I believe that we have every right to pursue a legitimate change.

Three terms have been used. The first was "unprincipled". Is it unprincipled to seek a system in which everyone has a fair say in the election of this Legislative Assembly? The second was "undemocratic". What can be undemocratic about a system that gives everyone an equal vote? The third was "unlawful". What can be unlawful about the aspirations to change the laws of this Parliament on the basis of the members who have been elected to this Parliament? When we talk about principle, democracy and the law, it is not the Australian Labor Party that is in the dock, it is the Liberal and National Parties that are in the dock. It would be very good if the Leader of the National Party were for once honest with the people about this issue. He is not defending any principles; he is defending the National Party's position in this Parliament. It is blatant self-interest. The Liberal Party is beholden to its rural rump.

Mr M.W. Trenorden interjected.

*Withdrawal of Remark*

The ACTING SPEAKER (Mr A.D. McRae): Order! The Leader of the National Party knows that the use of those words is unparliamentary, and I ask him to withdraw them.

Mr M.W. TRENORDEN: Which words?

The ACTING SPEAKER: The Leader of the National Party called the Premier a hypocrite.

Mr M.W. TRENORDEN: Yes, I have called him a hypocrite many times before. I do not believe it is unparliamentary.

The ACTING SPEAKER: I deem the word to be unparliamentary and I ask the Leader of the National Party to withdraw.

Mr M.W. TRENORDEN: I will withdraw.

*Debate Resumed*

Dr G.I. GALLOP: Let me summarise it as simply as it is. We went to an election with a proposal to create one vote, one value. We have taken through this Parliament a Bill to establish one vote, one value on the basis of support in both the Legislative Assembly and the Legislative Council.

Several members interjected.

The ACTING SPEAKER: Member for Ballajura!

Dr G.I. GALLOP: It is an aspiration that accords with the best interests of the people; that is, that everyone in our State should have an equal say in the election of the Parliament. We will pursue this matter through the proper parliamentary process, as we have every right to do and as we have a duty to do given the election result that occurred in February 2001.

Several members interjected.

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Dr G.I. GALLOP: We have heard it all before and we have seen it all before. The Labor Party is trying to achieve its historic objective of establishing one vote, one value. The Liberal and the National Parties are doing all they can to stop that legitimate aspiration from being achieved, despite the election result. There is no doubt about the consistency of the argument on this matter and the efforts on the part of the Liberal and National Parties to oppose it. There was a brief moment when they advocated it before the 1996 election, but after the election they dropped what they promised they would do. The time has come for everyone in this Parliament to face up to their responsibilities, accept the election result and get on with the process of creating a Parliament that is fair for all of our citizens.

**MR M.J. BIRNEY** (Kalgoorlie) [3.28 pm]: I am not entirely sure where to start in this whole sorry, sordid affair. It appears that I will be getting a few ferocious attacks from the goon gallery. That is fine by me. It is a little like being savaged by a dead sheep.

Several members interjected.

The ACTING SPEAKER: Order!

Mr M.J. BIRNEY: Let me cast members' minds back to 1995 when the Labor Party members' hero, the Attorney General, decided to touch them all in the wallet by taking this ridiculous idea of one vote, one value to the High Court. He was absolutely flogged.

Several members interjected.

Mr M.J. BIRNEY: It sounds like English but I cannot quite make it out. The Attorney General has been back again to the courts, this time to the Supreme Court. What do we find? The Attorney General and the Labor Party have been flogged again. The first time it cost every member of the Labor Party a pretty penny. I do not have a lot of sympathy with that, but I do have some sympathy for the taxpayers of Western Australia because of the considerable amount of money that the Attorney General and the Labor Party have cost them this time around. It seems as though the Attorney General and the Labor Party might be heading for the courts again. My view, and the view of more learned people than I -

Several members interjected.

The ACTING SPEAKER: Order!

Mr M.J. BIRNEY: It seems that the Attorney General and the Labor Party will be flogged again. I will draw a comparison between the recent actions of the Attorney General and the actions of my dog Max last week.

Several members interjected.

Mr M.J. BIRNEY: I make appropriate apologies to the Leader of the National Party for the name of my dog. I will recount a story for members. Last week I had some magnificent new mulch laid all over my garden. However, when I got up the next morning and looked out the back door, I saw that Max had dug a great big hole in the brand new mulch, and the minute I opened the back door his tail went down between his legs and he cowered behind the gas bottles, because he knew that he had done something terribly wrong. When I got up the next morning and went outside again, guess what? Max had dug another hole in the mulch! This time not only was his tail between his legs but also his ears were pinned back, and he was cowering behind the gas bottles again, because he knew once again that he had done the wrong thing. The Attorney General reminds me of my dog Max in many ways. We are about to see the Attorney General do the exact same thing again and take us back to the Supreme Court, and he is cowering, with his tail between his legs and his ears pinned back. It is time that members of the Labor Party Caucus, particularly the country members, gave themselves a dose of intestinal fortitude. It is time the country Labor members - those weak-kneed, jelly-backed, gutless pansies - stood up in the caucus room and delivered the message to the Attorney General of this State that they have had enough of looking stupid and handing over money for the Attorney General's obsessions. The best way to stop this maniac dead in his tracks is for a couple of the Labor Party country members - or at least the ones that purport to be from the country, and I can see a couple of them here; I do not hear them say much, though - to go into the caucus room and deliver that message to the Attorney General. Can they not see that the Attorney General is an electoral shackle and a barnacle on the ponderosa of the Labor Party, and that when the next election comes around the Attorney General and his obsessive pursuits will cost them dearly, because they will lose votes?

In the time between the 1996 and 2001 elections, the Labor Party's primary vote dropped considerably in the seats of Albany, Avon, Collie, Eyre, Geraldton, Greenough, Kalgoorlie, Merredin, Mitchell, Moore, Ningaloo, Pilbara, Wagin and Warren-Blackwood. What do those seats have in common apart from a few very good

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Liberal members? Each of those seats is a country seat, and each of them delivered a telling message and a telling blow to the Labor Party at the last election. The message was that the people in those seats do not want this rubbish of one vote, one value and they voted accordingly. Let us not hear this rubbish and diatribe from the Premier that he has a mandate, because the issue of one vote, one value was fought out in the country, and there it is - irrefutable proof!

**MRS D.J. GUISE** (Wanneroo) [3.33 pm]: I do not support this motion. I do not consider it to be unprincipled, undemocratic and unlawful to give the President a vote. I find it amazing that our colleagues on the other side are putting forward this proposition, given that that is how the Senate works and is also how the Parliament of South Australia works. Do members opposite think that their federal colleagues are therefore acting in an unprincipled, undemocratic and unlawful manner? Therefore, it is an interesting proposition that members opposite are putting.

I want to talk about fairness. It is fair to give the President in the upper House a vote. Is it fair that in the last election, three out of four votes in the seat of Wanneroo did not count in deciding who would form government? Is it fair that one electorate has approximately 42 000 people and is growing at a rate of knots, while other electorates have only 9 000 people? The seat of Eyre is the smallest country seat, with only 9 238 electors. The current quota for country seats is only 13 681 square kilometres. My electorate has \$98 million worth of gross agricultural product. What about the fundamental democratic rights of my constituents? No member opposite has talked about that. What is fair for them? The current system is not fair. It is not good enough that three out of four votes do not count. The seats and the votes need to be equal.

Let us talk more about fairness. In Tasmania, the lower House has electoral equality; the upper House has 10 per cent tolerance. In Victoria, both Houses are equal, with 10 per cent tolerance. In South Australia and New South Wales, the lower House has electoral equality, with 10 per cent tolerance; the upper House has equality by proportional representation from one statewide electorate. The Australian Capital Territory has equality in electorates through proportional representation, with five per cent variance from multi-member electorates. The Northern Territory has equal enrolment, with 20 per cent tolerance. In Queensland, with the exception of four remote electorates, 84 out of 89 seats are elected on the basis of one vote, one value. That is what I call fairness, and that is what I want for people in the seat of Wanneroo and other seats like it. Fairness is what this is all about.

The electorate of Wanneroo has been badly done by under the normal redistribution processes. I will give some comparisons. At the close of the electoral rolls in November 1996, the seat of Wanneroo had 28 721 electors. On 18 January 2001, it had 37 721 electors. In August 2001, it had 39 178 electors. Since November last year, the number of electors has increased to approximately 42 000. We are talking about equal representation - one vote, one value - compared with small seats that have 9 000 electors. That is not fair, and it has never done the trick in delivering the fundamental democratic right of voters in seats like mine to have an equal vote with other electors in the State. Wanneroo is running 110 per cent above the quota. Let us look at some of the wonderful little doughnut seats in the country. I would kill for one! The member for Albany's seat is 50 square kilometres, with 14 377 voters. That is pretty good. I called in on the member for Kalgoorlie the other day. It is no wonder he is sitting back looking so relaxed! He has only 67 square kilometres and 13 000 voters. I would be feeling pretty cruisy too if I had only 67 square kilometres and 13 000 electors! My God that is a big country seat! It does not come anywhere close to my 681 square kilometres and 42 000 electors. When we are looking at fairness, we need to take that into consideration. What the Deputy Leader of the Opposition is proposing is not fair, either for one vote, one value, or for allowing the President of the upper House to have a vote. Democratic Parliaments should be elected on the principle of one vote, one value. The argument is simple. Everyone should have a vote and every vote should be equal, whether it be for the electors in Wanneroo and Eyre, or the President of the upper House. I do not support the motion.

**MR J.P.D. EDWARDS** (Greenough) [3.39 pm]: I support this motion. Frankly, I do not care what happens in other States; Western Australia is a unique State and we want it to remain unique. I am frustrated at having to again argue against the one vote, one value legislation. My rural communities want a fair and representative voting system. It is a pity that the Attorney General and the Premier cannot accept the umpire's decision. Last year, members in this place and in the other place spent hours debating this issue. The umpire has made his decision but the Government is not prepared to accept it. Country and city people do not think that this issue is as important as the Government would have us believe. Far more important issues have been raised in this place over the past two years and still have not passed through the Parliament. Other issues must take precedence over this issue. We seem to be wasting more taxpayers' money on the Premier's and the Attorney General's personal crusade. That must stop.



Mr John Kobelke; Mr Dan Barron-Sullivan; Mr D.F. Barron-; Attorney; Mr Max Trenorden; Acting Speaker; Dr Geoff Gallop; Mr Matt Birney; Ms Dianne Guise; Mr Jeremy Edwards; Mr John D'Orazio; Ms Sue Walker; Mr Martin Whitely; Mr Brendon Grylls; Mr Alan Carpenter; Mr Phillip Pandal; Mrs C.A Martin; Mrs Carol Martin; Mr Paul Omodei; Mr Peter Watson; Dr Janet Woollard; Mr John Bowler; Mr Tony Dean; Mr John Hyde; Mr Arthur Marshall; Mr Tony McRae; Mr Colin Barnett; Mr Jim McGinty; Speaker; Mr Bill McNee

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The idea of giving the President a vote in the other place smacks of hypocrisy, particularly when only five years ago the then Leader of the Opposition, Geoff Gallop, slammed a similar proposal to upgrade the President's voting rights as a cynical attempt to subvert the will of WA voters. I am sorry that the Premier is not here. So much for the principles about which he talks.

I do not believe this Government was given a mandate at the last election to give the President of the Legislative Council a deliberative vote or to introduce the one vote, one value legislation. In 1997, Hon Tom Stephens said that he was totally opposed to giving the President in the upper House a deliberative vote.

I call on all regional and country Labor members of Parliament, some of whom are here, to vote against the Attorney General's proposal in Caucus. They are wasting the State's time and money. The Government must get on with what it was voted into office for: to govern the State and not to play around with an issue that it has lost once already and will lose a second time. If members opposite want to know the will of the people, they must hold a referendum. I stood up here 18 months ago and said the same thing as many other members, including the Leader of the National Party. If the Government wants to know what the will of the people is, it should let them decide in a referendum whether they want the Government's so-called one vote, one value legislation. We want fair and representative government in rural Western Australia. I support the motion.

**MR J.B. D'ORAZIO** (Ballajura) [3.43 pm]: I do not support this motion.

Mr A.D. Marshall interjected.

Mr J.B. D'ORAZIO: Did the member count the number of sheep in his electorate this morning?

This motion, which states that the Government is unprincipled, undemocratic and unlawful, is a slur on the Parliament rather than on the Attorney General and the Government for wanting to introduce one vote, one value. Why is it unprincipled, undemocratic and unlawful for the Attorney General to want to introduce a Bill to this Parliament to allow members of Parliament to debate it? It is not. The Attorney General and the Government have the right to introduce a Bill into the Parliament to allow proper debate.

Mr R.F. Johnson: Of course it is, and it is unprincipled to try to change the Constitution Act to give the President of the Legislative Council a deliberative vote.

Mr J.B. D'ORAZIO: That is not what the Opposition is saying; it is attacking the integrity of the process, which is disgraceful.

Ms S.E. Walker interjected.

Mr J.B. D'ORAZIO: The member should sit down and be quiet for once.

My metropolitan seat has 28 000 electors, yet the Opposition does not consider that their votes are as good as -

Mr A.D. Marshall: How big is your electorate?

Mr J.B. D'ORAZIO: It has 28 000 electors.

Mr A.D. Marshall: How long does it take to walk around it?

Mr J.B. D'ORAZIO: Three minutes.

Mr A.D. Marshall: How many suburbs are in it? I will tell you how big mine is.

Mr J.B. D'ORAZIO: We do not want to see it!

Several members interjected.

The ACTING SPEAKER (Mr A.D. McRae): Order, members!

Mr J.B. D'ORAZIO: It is disgraceful that a vote in Ballajura is not equivalent to a vote in a country electorate. I have talked to people in my electorate and they tell me that the current situation is unfair and unprincipled. It is important to redress that unfairness.

Interestingly, the Deputy Leader of the Opposition said that no pamphlets about this issue were distributed in my area during the last election. They were not distributed there because he knew that the community considers this issue to be an important matter of principle. The former Government distributed pamphlets in the areas it thought it might get a reaction. It produced not only pamphlets but also television advertisements and all sorts of other things, yet it still lost the election. This Government has the mandate to implement this change. If the Deputy Leader of the Opposition were right, it would be important for him to support it. However, he does not provide that support.

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Mr P.G. Pental: Why do you not talk about the motion? It is not about one vote, one value.

Mr J.B. D'ORAZIO: The member should relax; I am getting to it. I refer to the question of whether the President of the Legislative Council should have a deliberative vote. Unfortunately, the previous Minister for Local Government is not in the Chamber. Do members opposite recall when the Local Government Act was passed? That Act, which the former Government introduced, provided that mayors and presidents who were elected to local councils were given not only a deliberative vote, but also a casting vote. What is the difference between giving that provision to local councils and giving it to the Legislative Council? Local council is a democratically elected tier of government. When local council presidents are elected, they do not lose their deliberative vote; they retain the power to vote.

Mr P.G. Pental: Back to the council for you.

Mr J.B. D'ORAZIO: I thank the member. I am astounded to see that members opposite, who were previous presidents of local governments and who supported that premise, have said that it is undemocratic to give the President of the upper House a deliberative vote. That is undemocratic, unprincipled and disgraceful. More importantly, it is disgraceful that the people who voted for the President of the Legislative Council will not be represented because of the decisions made by some members on the other side of this Chamber. It is unbelievable that members opposite agree that people who have voted for the President will not have their vote recorded because a majority of the people in the Legislative Council elected him as the President of that House. It is unbelievable that in today's age of fairness and democracy - we all talk about accountability - we would try to stop that effective, democratic process from occurring.

Mr B.J. Grylls: Why did it not matter at the start of his term? Why has the matter come up only now if it is so important?

Mr J.B. D'ORAZIO: The principle stands at whatever time; it applied when the previous Government was in power.

Mr B.J. Grylls: Why did you not go to the people on the issue?

Mr J.B. D'ORAZIO: We have gone to the people. We have a mandate.

Ms S.E. Walker: You are using it to get your own way.

Mr J.B. D'ORAZIO: Now we get to the crux of the matter. Earlier, members opposite said that I was not talking about the issue but now that I am talking about the issue, the real truth comes out. The whole idea of this motion and the shenanigans from those opposite are to protect their own self-interest. They know that if a fair system of one vote, one value is introduced, some members opposite will not be in this Chamber after the next election.

**MS S.E. WALKER** (Nedlands) [3.49 pm]: I have had to stop myself from laughing. The member for Roleystone is about to bring out his primary school drawing in orange crayon again. It gave us a bit of a laugh the last time this issue was debated, and it will give us a bit of a laugh this time. I have always marvelled at how some members in this House talk off the top of their heads.

I support the motion. The Full Court of the Supreme Court of Western Australia delivered its judgment on two questions posed to it by way of two originating summonses pursuant to order 58, rule 11 of the rules of the Supreme Court. Those two questions were asked by the Clerk of the Parliaments. The first question was whether it was lawful for the Clerk to present to the Governor for Her Majesty's assent the Electoral Distribution Repeal Bill 2001, and the answer was no. The second question posed by the plaintiff Clerk for determination by the Full Court was whether it was lawful for the Clerk to present to the Governor for Her Majesty's assent the Electoral Amendment Bill 2001, and the answer was no. In order to get around that decision, the Premier and the Attorney General, who have pursued this alleged democratic principle of one vote, one value, will now try to change the Constitution of Western Australia to satisfy, in my view, their ego and vanity. They failed twice: once in the High Court and once in the Supreme Court. They have a string of failures behind them. The Attorney General is getting a bit old and grey now. I do not know whether he was old and grey when he started law school -

Mr P.G. Pental interjected.

Ms S.E. WALKER: Certainly not! Some members handle it very well.

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The answer to those questions was no, because if the repeal Bill could not be lawfully presented to the Governor pursuant to section 6 of the Australia Act and section 13 of the Electoral Distribution Act 1947, there could be no valid enactment. That being the case, it followed that without a valid repeal of section 13 of the 1947 Act, the amendment Bill also could not be lawfully presented to the Governor. To bring some clarity to the debate, I will read what the Chief Justice said about presenting these Bills to the Governor. I have not read all of the decision, but I certainly read the decision of the Chief Justice. On page 22 of his decision he refers to the judgments of Steytler and Parker, with whom he concurs. He said -

In my opinion, their Honours have correctly concluded that s 13 was intended by the Parliament which enacted it to be an entrenched provision, only capable of amendment by the enactment of a Bill being passed by an absolute majority of the members in each of the Houses of the Parliament.

He further said -

Independently of and in addition to the submissions to which I have earlier referred, the defendants -

That is, the Attorney General and the Premier -

contend that s 13 of the *1947 Act* has been repealed by implication by the *Acts Amendment (Constitution) Act 1978* . . . Consequently, it was contended that s 13 was no longer of any force and effect and provided no obstacle to the presentation of the two Bills in question to His Excellency the Governor for assent. On this aspect of the case I need say no more than that I agree with Steytler and Parker JJ, for the reasons their Honours have expressed, that s 13 of the *1947 Act* was not . . . repealed by s2(3) of the *Acts Amendment (Constitution) Act 1978* . . . and had not ceased to have force and effect when the Repeal Bill and the Amendment Bill were considered by the Parliament and will not cease to have any force and effect when each of the Bills is presented to His Excellency the Governor for his assent.

The Attorney General, who has tried to shift the responsibility for his decision to the Solicitor General - I suggested that he be a man and take it upon himself - was again told no when he tried to get the one vote, one value principle through. In 1995 he and the Premier tried to take the principle of one vote, one value to the High Court. However, the six judges of the High Court said sorry and booted them out of the court. The Attorney General and the Premier tried to argue that the Western Australian and the Commonwealth Constitution were all about one vote, one value. They said that representative democracy, which is enshrined in the Western Australian Constitution, is all about one vote, one value. The judges of the High Court said that representative democracy is enshrined in the Western Australian and Commonwealth Constitutions. Representative democracy does not equal one vote, one value. Representative democracy means the enfranchisement of electors and an electoral system capable of giving effect to its selection of representatives and bestowing legislative functions on those representatives. The judges also said that the quality and characteristics of those three ingredients are not fixed and precise or capable of mathematical formula - such as for one vote, one value - and that each enfranchised elector has one vote in an electoral system. The electoral system in a democracy can be one of hundreds in a system, but it must represent one vote, fair value. It should be a fair electoral system for Western Australia. The High Court said that the criteria that should be applied are fairness of representation, a wide choice of representatives and contact between the electorate and its chosen representatives. That last point is important.

I am a city politician, but I have lived in isolation. I spoke on this aspect when we discussed this issue in August last year. I said it then and I will say it again now: someone can come and see me in my electorate of Nedlands in five minutes. When I lived in isolation 180 miles east of Carnarvon, I had to travel 180 miles along a dirt road to see my local member, Ian Laurance. We are talking about fairness. When the member for Wanneroo talks about representative democracy, she is talking about that sort of contact. I know that the member has a problem in her area. However, her electors can see her in 10 minutes if they want to.

Mrs D.J. Guise: No, they can't.

Ms S.E. WALKER: The member could go and see them. However, they do not have to travel 180 miles along a dirt road. Some electors must travel 300 miles along a dirt road to see their representatives. We are talking about Western Australia and representative democracy. If some members had bothered to do some research and had looked at the geographics of Western Australia, instead of talking off the top of their heads about what representative democracy means, they might be better representatives for not only their electorates but also Western Australia.

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Two people have pursued this principle, using other people's money. They put in a few thousand dollars, but basically they have used money to egotistically pursue this principle. First their parliamentary colleagues had to pay the \$150 000 in High Court expenses. Then taxpayers had to pay the expenses incurred by the recent decision of the Supreme Court. There was a conservative estimate of \$3 million, but I think it amounts to much more than that. The Attorney General can give me all the breakdowns he wants, but he should table those details. Now that he has the power, he is dipping into taxpayers' money. I ask taxpayers to consider that. I agree with the editorial in *The West Australian*. The health system is in crisis and the Government is spending \$1.4 billion on the railway system. However, the Premier and the Attorney General are pursuing this one vote, one value slogan.

I refer to the statement made by Justice Wheeler when she was the counsel in the High Court decision. She was one of the dissenting judges in the recent decision. Her submission to the High Court states -

One vote, one value is a slogan. The "value" may be affected in many ways in a system of single member constituencies with preferential voting. . . . By concentrating on the numbers of electors in constituencies, the plaintiffs -

That is, the Premier and the Attorney General -

ignore the many other matters which affect the fairness of an electoral system. Different resolutions of competing principles will be seen as "fair" under differing circumstances.

It continues -

Many variables may be altered to emphasise particular principles, eg, boundaries; single member districts or proportional representation; preferential voting; number of members in a constituency; size of constituencies; length of terms; whether population or enrolment is the basis of electorate distribution; frequency of redistribution; and whether voting is optional or compulsory.

Lastly, she said -

A system that ensures precise mathematical equality may work unfairly -

Such as one vote, one value -

against some sections of the community, eg, where support for a major party is concentrated in a relatively small area. In vast thinly populated areas, such as some in Western Australia, real difficulties of distance and communication occur which may impair effective representation.

That is what this matter is all about and that is why I support the motion.

**MR M.P. WHITELEY** (Roleystone) [4.00 pm]: Mr Acting Speaker -

Mr M.W. Trenorden interjected.

Mr M.P. WHITELEY: That is a question I would like to ask the member and I would appreciate it if he would stay in the House. When we first debated electoral reform, I recall the member for Avon talking about the electorate of Kalgoorlie, which he said had never been anything other than very country and very rural. I am pointing to the electorate of Kalgoorlie on the map that I am holding. I also point to the electorates of Mitchell, Dawesville, Mandurah, Geraldton, Bunbury and Albany. Are they country electorates?

Several members interjected.

Mr M.P. WHITELEY: I am asking members opposite whether they are country electorates.

Several members interjected.

Mr M.P. WHITELEY: I am not getting a sensible answer from them. Let us presume, for the sake of argument, that they are country electorates. What is this big thing in the background of the map of Roleystone? Is Roleystone a country electorate? Is the big electorate in the background of the map, which is 63 times the size of Bunbury, a country electorate?

The ACTING SPEAKER (Mr P.W. Andrews): Member for Roleystone, I know that everyone in the Chamber is enjoying this serious debate, but when the Hansard reporter and I cannot hear the debate, I will settle it down a bit.

Mr M.P. WHITELEY: The electorate of Roleystone in the background of the map is 63 times the size of Bunbury, 41 times the size of Mandurah, 32 times the size of Albany, 24 times the size of Kalgoorlie, 12 times

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the size of Mitchell and nine times the size of Dawesville. Is Roleystone a country electorate? If so, the people who live in this country electorate are disadvantaged by the current system that denies them the same democratic right as the people who live in these other seats have. The people who live in that big area in the background of the map have half of the electoral clout of the people who live in the tiny urban electorates on the map. Does the member for Kalgoorlie represent a country seat?

Mr M.J. Birney: Are you trying to trick me?

Mr M.P. WHITELEY: The member might have to refer to someone more learned. Does the member for Kalgoorlie represent a country seat?

Mr M.J. Birney: I am not answering that.

Mr M.P. WHITELEY: He does not know. Is there a more learned member in the Chamber? Before the member for Mitchell leaves the Chamber, I ask whether he represents a country seat?

Mr D.F. Barron-Sullivan: Absolutely. Will you now answer my question?

Mr M.P. WHITELEY: He represents a country seat. The electorate I am pointing to on the map is his electorate. Is the big electorate that I am pointing to at the back of the map a country seat?

Mr D.F. Barron-Sullivan: Do you support giving the President of the Legislative Council a deliberative vote?

Mr M.P. WHITELEY: The question is obviously too difficult for the member. I believe it is a country seat. There are lots of sheep, farms, trees, pasture and forest in my electorate. There are also a lot of people in my electorate. I believe it is a country seat; I believe I am a country member, and this country member supports democratic reform.

The ACTING SPEAKER: I ask the member for Roleystone to direct his speech through the Chair.

Mr M.P. WHITELEY: Mr Acting Speaker, I believe I represent a country electorate. I believe the electorate I am pointing to at the back of the map is a country electorate, certainly it is if the other ones I have pointed to are. I believe I represent a country electorate and I believe that my constituents are disadvantaged. It is time that we corrected that disadvantage. I support electoral reform as a country member of the Labor Party. I support giving the member of the upper House - another country member who represents the people in the south west - a vote so that we can reform the electoral system to deliver true democracy to the people of Western Australia.

**MR B.J. GRYLLS** (Merredin) [4.04 pm]: I would like to inform members of the House about a fair go and injustice. Last weekend in the electorate of Merredin, an area of 65 000 square kilometres, no doctor was available and two emergency cases bypassed the hospital to go to Cunderdin, more than 100 kilometres away.

Mr A.J. Carpenter: That was under your system.

Mr B.J. GRYLLS: That was not under my system. I will tell the member under whose system it was.

Several members interjected.

Mr B.J. GRYLLS: That is what this matter is all about. If members opposite want to talk about a fair go and justice, they should start addressing the real issues before the Parliament, which are health, education and infrastructure funding. This is a cynical attempt by the Government to bring in legislation to give the President of the upper House a vote. The member for Ballajura, in his diatribe to the House earlier, said that it was critically important that the President's vote in the upper House be counted so that he could represent his electorate. I asked him through an interjection, and I invite him to answer now: why was it not that important at the start of this Government's term?

Mr J.B. D'Orazio: It was.

Mr B.J. GRYLLS: Why was the matter not raised at the start of the Government's term? The bottom line is that the one simple reason that the vote of the President is required is to ram through electoral reform legislation. We would not have heard a single word about giving the President of the upper House a vote except for the Supreme Court's ruling last Friday by a majority of four to one that the electoral reform legislation that the Government tried to force through the Parliament was invalid. That is the only reason that we are hearing about a vote for the President of the upper House. I am sure the constituents in my electorate would be far more interested to hear the Minister for Health and the Premier speak about how they will fix the health system in my electorate rather than bring in crazy legislation to give the President a vote.

As a young member of Parliament, I feel very strongly about this attempt by the Government to ram through a change to the Constitution. It is disillusioning to not only me but also all members on this side of the House and

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all members of country electorates. This Government's deceptive and self-serving actions will destroy a system that has served this great State for more than a century. Again I place on record the fact that the only reason that the legislation has been mooted is to bring about electoral reform; it has nothing to do with giving the President of the Legislative Council a say or about his electorate being heard. It is all about moving forward the one vote, one value legislation.

I ask the Attorney General when he foreshadowed a change to the Constitution? It was certainly not mentioned by the Governor in his address at the start of this session of the Parliament. As I said, this is a knee-jerk reaction to the loss that the Government suffered last Friday in the Supreme Court.

When I stood for election to this Parliament, I indicated my passion for the democratic process and all that it represents. I knew that I would lose some issues that I brought into the Parliament and that I would have to take those losses on the nose, but I also knew that I would win some, and that when I did, that would be a good win for my country electorate. However, I knew I would have to abide by the decisions of the Parliament and the system that has been in place for more than 100 years; that is the way it is. The majority in this place makes the decisions. An absolute majority did not exist for the electoral reform legislation and, therefore, it could not go forward.

My participation in this Parliament is to fight to bring the issues suffered by the people of Merredin and surrounding district to the attention of the Government. I would much rather use my time in this House talking about issues such as the current chronic doctor crisis in Merredin and the dry season and how that and many other issues are affecting the whole community. I do not want to stand in this place and talk about legislation to ram through electoral reform. Giving the President of the Legislative Council a vote will fundamentally change the way in which this Parliament operates.

There is no doubt in my mind that a question of this magnitude about the way the Parliament operates should be taken to the people. The people should be able to decide that. A decision of this magnitude should not be allowed to be made through a grubby backroom deal between the Labor Government and the Greens (WA) to try to shore up success at future elections. The Constitution should not be amended by a backroom deal between a party that received 37 per cent of the vote at the last election and a party that is in the Parliament only as a result of a totally unfair electoral system.

Mr M.P. Whitely: Who got three per cent of the vote but has nine per cent of the seats in this place?

Mr B.J. GRYLLS: If we are to talk about fair political representation, the people who voted for the Greens should be asked if they knew that they were voting for a new faction of the Labor Party.

**MR A.J. CARPENTER** (Willagee - Minister for Education) [4.10 pm]: Everybody is entitled to have a point of view on this issue. However, at one level it is almost incredible that, in 2002, we are in a modern democracy and arguing this very basic point. This matter should have been resolved long ago. There is no longer any defence for a voting system that does not enshrine the basic principle that everybody deep down agrees with; that is, that everybody's vote should be of equal value. There is no argument about that. Nobody argues that point. The member for Merredin and other members might put up arguments, but I honestly do not believe that, at the rational base of their humanity, they believe what they are saying. If they believed what they were saying, they would argue during every federal election campaign that the principle of weighted voting and malapportionment should apply in the House of Representatives. It does not, and it is not an issue. Everyone in Australia accepts that in the House where the federal Government is formed, everybody's vote is equal despite the vast geographical stretch of Australia and its widely dispersed population. Nobody argues against that basic principle. It is ludicrous that we are arguing about this in 2002. I know that the majority of the members on the other side agree with me. If we went through the *Hansard*, we would find evidence of that.

Mr C.J. Barnett interjected.

Mr A.J. CARPENTER: The Leader of the Opposition agreed with it. The former Premier and Deputy Premier several years ago said that they agreed with a 20 per cent weighting. However, for base political reasons, they never pursued the point. We in Western Australia now have an opportunity to bring our electoral system into modernity. This is a time when we can make a valuable contribution to the structure of the Parliament and Government in this State. I understand that people argue against one vote, one value for the purposes of self-preservation and survival. However, they must look at the big picture. Those members of Parliament must rise above their personal interests of preserving their seats, which they have by dint of malapportionment. Sadly, Western Australia has a corrupt electoral system that produces a corrupted result. The member for Roleystone

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pointed to one aspect of that when he mentioned the number of seats that one particular party has compared with the number of votes it receives.

Mr M.W. Trenorden interjected.

Mr A.J. CARPENTER: The argument for that sort of representation is about what happens in the upper House, where small groups can get representation. That does not happen in this Chamber. What sort of Parliament do we have when one member represents 40 000-odd electors and another member in the same Chamber and with the same capacity to vote on legislation represents 9 000? It is so archaic and anachronistic that members opposite do themselves no credit when they argue for it.

I refer to the procession of the electoral reform legislation through the Parliament. The Western Australian Parliament, for all its faults, passed these pieces of legislation. They went through both Houses of Parliament. A technicality was identified, which meant that the legislation was referred to the Supreme Court. The fact of the matter is that the legislation was passed. If we must have an absolute majority to enact the legislation, and the Parliament agrees to organise the affairs of the Parliament so that an absolute majority is formed, that is, to quote *The West Australian*, the will of the people will be reflected in this Parliament today. It is very unfortunate that the conservative forces in Western Australia are in this position. It does them no credit. The previous speaker said that we could be doing more important things. What could be more important to the political system than the way it is structured? If the member does not think this is important, he should not get up and speak about it. He should go to his office and do other work. If he thinks this is a waste of time, he should sit in his chair or go to his office and do work. The rest of us - including members on his side of the Chamber - who think this is important will speak about it and make our points. The rest of us can walk and chew gum at the same time. I can spend five or 10 minutes talking about why I think the electoral reform legislation is very important and spend the rest of the day doing other work. I can do both things. I recognise that one vote, one value is a fundamental principle of a modern democracy, and we must support it.

We in Western Australia could continue forever with an anachronistic electoral system. I remember interviewing a former President of the upper House of the Western Australian Parliament, who lamented the passing of the old property franchise system for election to the upper House. When the property franchise system existed for the upper House, those who supported it probably thought it was an immutable part of the democratic system. Can members imagine reverting to that system? When people look back on this debate in five or 10 years, they will be bemused that a group of people stood in the Parliament of Western Australia in 2002 and put forward arguments against the very fundamental principle that everybody's vote in the Chamber should have an equal value. It is a ludicrous argument. It is ridiculous that the Parliament cannot be allowed to make passage for this legislation. If the members of the upper House do not wish that legislation to pass, it is unfortunate because the malapportionment in that place is even greater and more systemic than it is in this place.

Mr M.W. Trenorden: You support it.

Mr A.J. CARPENTER: I do not support it. It is even greater. If the passage of the one vote, one value legislation is inhibited through the upper House for one reason or another, it will be unfortunate because it will be a result of our electoral system. I guarantee that not one single member of this Chamber who has any capacity for logical or rational thought would oppose the basic fundamental principle of everybody's vote being equal.

The institutions of government, the approach of the Western Australian community to government and the policy settings of government need to be brought into the modern era. This is a key component of that movement. It would be an absolute tragedy if, for base political purposes, that were stymied. It would be even more a tragedy for those opposite. They are substituting hard work and application to policy development to make them viable alternatives for government for clinging on like limpets to a corrupted electoral system that they falsely believe will protect their political futures. I know they will not, but I implore them to rise above the level of argument and rationale to which they are currently anchored, and do something in the greater interest of Western Australia.

**MR P.G. PENDAL** (South Perth) [4.20 pm]: It is somewhat amusing that essentially, for about an hour and a half, we have been debating one vote, one value. That has nothing to do with the motion. I heard the enthusiasm of the member for Merredin, followed by the member for Roleystone who showed us his coloured pictures. I can understand the enthusiasm there. I hinted that my friend the Minister for Education can at least read. The motion has nothing to do with the arguments of one vote, one value and whether we have a corrupt electoral system that needs to be changed.

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I voted in favour of electoral reform when the Government introduced its Bill into this place last year, and I would do that again. However, that is not the argument before the House. The Government's intention announced in the past day or so is one of the most dishonest I have heard in my time in Parliament. I am amazed at the dishonesty used in the arguments by none other than the Premier. Five years ago he argued the complete opposite. If what the Premier said five years ago was correct, what he has said today must be wrong, or vice versa. If what the Premier said five years ago was applicable; namely, that he believed that the President of the day should have a deliberative vote, there was nothing wrong with that attitude. One can argue - I think I could - either way. However, the Premier locked himself into the deliberative vote argument and said "No deliberative vote". If he wanted to change his mind, as everyone is entitled to do, why did he not do it in isolation from the present debate about one vote, one value, with some distance between that argument and the decision of the Supreme Court of Western Australia of only a few days ago? Essentially, this is like a Bin Laden argument, which is that it is wrong to cause mayhem, murder, pillage and chaos except when Bin Laden says it is for the sake of greater good.

Mr M.P. Whitely interjected.

Mr P.G. PENDAL: I am not interested.

Mr M.P. Whitely interjected.

Mr P.G. PENDAL: Yes; I am and I am not interested in the argument from the member for Roleystone.

Mr M.P. Whitely: It is a disgrace.

Mr P.G. PENDAL: It is a disgrace that the Premier has reduced this argument to the level of an Oxford schoolboy debating society in which I can argue in 1997 that blue is blue and in 2002 that blue has suddenly become white. When people have that capacity on matters of deep principle it indicates that they lack any understanding of principle itself.

As I said, I have no difficulty supporting the Labor Government's move, which, over the years, has caused me some discomfort among my natural political alliances. However, I will support the Labor Party on one vote, one value because I think we have reached the point in Western Australia's history at which one vote, one value can no longer be denied.

Mr M.P. Whitely interjected.

Mr P.G. PENDAL: The member for Roleystone has had his say. I want him to go back into his party room because people in the Labor Party share this concern. The two issues have been linked and we are now seeking to have a Premier tell us that what he said five years ago was wrong. He is now trying to justify what he refused to justify five years ago. I cannot understand that. I fail to see how anyone on the government side can justify, intellectually, that dishonesty. The Premier has an Oxford schoolboy - not even an undergraduate - notion that he can use an argument today because he can change it tomorrow.

If the member for Roleystone did not understand my Bin Laden analogy I will repeat it. The Bin Ladens and the extremists of this world say that certain lines of behaviour are wrong unless they themselves are doing it for the greater good of the people. The world is in a critical situation now because of people who think they can justify that. I have no difficulty saying that that is the form of argument the Premier of Western Australia is using. He is saying that it is wrong to do things unless the end justifies his outcomes. That is why it is a dishonest argument from, in this case, a dishonest Government.

What goes around comes around. The ALP will eventually rue the day it moved to allow the President of the upper House a fresh vote, in the same way as it rued the day the electoral system was changed to the present situation about which it now whinges and moans. The Labor Party introduced that system in 1989 and did deals behind everyone's backs. It has been left with a system that it calls a corrupt system. History will repeat itself. The Premier still has time to withdraw from this nosedive into which he has put himself. He said five years ago that it was wrong to give the President a deliberative vote.

Mr M.P. Whitely interjected.

Mr P.G. PENDAL: The member should research what his Premier said five years ago. The Government will run the risk of losing the support for one vote, one value from people outside the Labor Party, like I and others in this Chamber who have been prepared to support it, because it is a matter of principle. However, if the Premier continues to push that dishonest argument, he will rue the day that he chose to go down the path of that silly



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Oxford schoolboy debating style. He was wrong in 1997 because it was right in the middle of a political crisis. He is wrong about it today because it is also within the context of a political crisis. If he really wants to do something, by all means he should take it to an election on a platform of constitutional reform. Let the people re-elect him so that he can come back to this place and not attach it to something as important as one vote, one value. Unless he does that he will stand accused and be guilty of dishonesty.

**MRS C.A MARTIN** (Kimberley) [4.28 pm]: Mr Speaker -

Several members interjected.

Mrs C.A. MARTIN: Members opposite are nasty. If we challenge them a little bit they get hairy about it. I do not need a hand to speak. Women did not have the vote 100 years ago, nor did Aboriginal people. Only about 100 people were able to vote. They were a few minor issues that we needed to work on. Resistance to change has existed for 100 years. Have members opposite not had enough? One vote, one value is about a principle.

Several members interjected.

Mrs C.A. MARTIN: I seek the protection of the Chair. Members opposite are nasty at times.

The ACTING SPEAKER (Mr Andrews): The member for Kimberley has the call.

Mrs C.A. MARTIN: Members opposite can be such nasty people at times. They have had their little say and now it is my turn.

One vote, one value is about everybody's vote being of equal value. However, in the upper House the President does not have a vote. This comes back to the very core of the matter. It does not matter how this is put in this place, an elected member of the upper House does not have the power of his vote.

The guts have been pulled out of my electorate because of politics. The Shire of Halls Creek has been pulled out of the Kimberley electorate. What a disgrace! I have been mourning its loss since 1995. Until the Kimberley electorate gets it back, I will not sit back quietly. How dare somebody in this place make a decision about what will or will not be the Kimberley electorate. We are not poor cousins. This House has the opportunity to right one of the great wrongs. That is why I will keep standing up. It does not matter how things change or how often we must try to get justice, we will get it. It took 100 years to get to this stage, so I am sure that another year or so will not make that much difference. Representation is supposed to be what it is all about, unlike the situation of the poor people in Wanneroo. I have a big electorate.

Mr W.J. McNee: Are you going to let them shift the health service?

Mrs C.A. MARTIN: It has nothing to do with that; it has to do with equity. If people need a leg-up, what sort of people are they? People do not need a leg-up; they need proper representation. Some people might have to get off their butts and do a bit. So what? It is about doing that, is it not?

Mr C.J. Barnett: Like you did in Derby.

Mrs C.A. MARTIN: Like the Leader of the Opposition did in Derby with tidal power.

Several members interjected.

Mrs C.A. MARTIN: Members opposite are so noisy that I find it hard to speak. They should give me a fair go. They do not give many people a fair go, but I just want a little time. I will not hold them up for too long. Where I come from, a fair go means just that. They have had their yarn. I am not asking for a leg-up, but I have a right to speak in this Chamber. It is called representation. Members opposite need to get used to it. No matter what happens, the Shire of Halls Creek will go back into the Kimberley electorate. Every time a debate such as this comes on, I will stand and say exactly that. Do members know why? It is because I represent my electorate. I do not mind going out and working hard to represent my electorate. I will stand in this Chamber, even though it feels uncomfortable to be berated by the member for Hillarys. He is such a nasty person that I have to seek protection from the Chair. I am learning from him.

Mr R.F. Johnson: Do you know what the motion is?

Mrs C.A. MARTIN: After 100 years, guys, come on!

Mr R.F. Johnson: Come on, guys? Talk to the motion.

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Mrs C.A. MARTIN: I am talking to the motion. A member of the upper House does not have the right to use his vote. The votes of the people in his electorate have nowhere near the value of votes in the Kimberley. However, the Kimberley electorate is not complete. Every time the Government considers electoral reform that will give one vote, one value, there is reluctance and resistance to change. Members opposite should get on with change. We are not in the position that existed 100 years ago. Change is not that hard. Change is an amazing thing if people embrace it and manage it. If members opposite need counselling, I think I can help them.

I have had my say. The member for Hillarys is a nasty man. I am sitting down.

**MR P.D. OMODEI** (Warren-Blackwood) [4.35 pm]: The motion before the Chamber at the moment is -

That this House calls on all state members of Parliament, especially members of the Greens (WA) and all country members of the Labor Party, to reject the Attorney General's unprincipled, undemocratic and unlawful scheme to give the President of the Legislative Council a deliberative vote.

We have heard the arguments from both sides of the House going to and fro about whether there should be equal representation in Western Australia. There has never been equal representation and there never will be. Whether there is a loading of 10 per cent plus or minus or 20 per cent plus or minus, within three months of the numbers being set in each electorate, they will be out of kilter. Everybody knows that is the case. It is borne out by the very good example of Wanneroo. The quota is about 22 000 voters for an electorate in the metropolitan area, and in Wanneroo it is currently 42 000. That just goes to show that within a couple of months of setting a quota, it will be out of kilter.

What is this Government so afraid of? It is in favour of a Bill that provides for malapportionment in the Legislative Council, but in the Legislative Assembly, because it is politically convenient, the Government wants the legislation to provide for purely one vote, one value. That would put an extra eight seats into the metropolitan area and take eight seats from country Western Australia. It is important that country members of the Labor Party have their say and make it very clear to the people of Western Australia whether they support the Attorney General's actions. If they agree with one vote, one value, they should be in their community saying so very clearly.

Mention has been made of the situation that occurs in the federal scene with one vote, one value in the House of Representatives. Federal members representing far-flung places work extremely hard. Hon Barry Haase and the former member Graeme Campbell worked extremely hard. It is impossible for such members to cover the distances in their electorates, no matter how hard they work. I know from my relatively small seat of Warren-Blackwood that I find it very difficult to travel to the 26 schools and four local governments in my electorate. I sympathise with the member for Merredin, whose electorate contains 19 local governments. If we applied the same principle to local government, what would it portend for local government in Western Australia? What would happen to the Shire of Murchison, which has seven councillors and 79 people, and which covers an area larger than the State of Victoria? How does it compare with the municipality of the City of Melville which has 90 000 people and 18 council members? Are we to have a couple of local governments down the track to cover the whole of country Western Australia? If Labor party members want an equal situation, we could have one or two local governments covering all of country Western Australia and the rest in the metropolitan area. It is a nonsense.

Members opposite know that the question should be about fair representation. If this legislation does go through in the way in which the Labor Party wants it to, a city-based member of Parliament will be able to walk around a city electorate in about half a day and a country member will have to drive for two to five days merely to travel from point A to point B to point C. That is not fair representation. The people in country Western Australia provide the majority of the wealth of this State. They deserve representation by their member, not by a fax or e-mail but by an individual, face to face. It is the fundamental right of all citizens in our society to see their member of Parliament. This will not happen with the proposal put forward by this Labor Government.

I want every single one of the country members of the Labor Party to stand in this place and tell us their position on this issue.

**MR P.B. WATSON** (Albany) [4.38 pm]: I have heard a lot of ranting and raving in this Chamber today, but I will talk about my electorate. I have heard people talk about self-interest. I have heard the member for South Perth, for whom I have a lot of time, speak as an Independent and examine an aspect that I might not know as much about. In my electorate of Albany when the election campaign was on, all the sitting member's advertising in the local media and on the radio was against one vote, one value. There was a swing of 16 per

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cent. I am not saying that it was because of that advertising campaign, but it must have had something to do with it. How can the member for Mitchell explain to his electors why he does not want to allow an upper House member who is representing his electorate to have a vote?

Mr D.F. Barron-Sullivan: It is a House of Review. Do you not understand that? He needs to have a casting vote.

Several members interjected.

Mr D.F. Barron-Sullivan: Is the member for Albany suggesting that the upper House should operate like the Senate?

Several members interjected.

The ACTING SPEAKER (Mr P.W. Andrews): Order! The member for Albany.

Mr P.B. WATSON: Before I became the member for Albany, we had four members in Albany. Albany got very little during the eight years that we had those members. I am not saying that was the fault of those previous members; Albany was a very safe seat. However, since I have been the member for Albany, we have gained a new small boat harbour and a new court complex. What is important is not the number of members but the quality of members. If one vote, one value comes in, I will pick up the City of Albany boundaries. I pick up the boundaries now. I represent 50 000 people, because the people from the hinterlands go to Albany to shop. They do not go to Denmark or Mt Barker in the member for Stirling's electorate. They go to Albany. Therefore, I am now looking after Denmark and Mt Barker. The people in the member for Stirling's electorate come to Albany because it doughnuts the electorate. The member for Stirling is not here today, and I am not having a go at him -

Mr P.D. Omodei: What does the upper House member do?

Mr P.B. WATSON: He cannot get a vote!

Mr P.D. Omodei: It is very unfortunate that you have raised that when the member for Stirling is not here to defend himself.

Mr P.B. WATSON: If the member had listened he would know I said it is a shame the member for Stirling is not here today. I represent all these people. As I said, I was at a meeting in Albany the other day. It will be no different for me. If a member cannot look after the City of Albany boundaries, he should not be a member of Parliament.

**DR J.M. WOOLLARD** (Alfred Cove) [4.42 pm]: As members would know, when the electoral reform Bills came before the Parliament last year, I supported one vote, one value. However, I am very disappointed with what the Government is now proposing to do to achieve one vote, one value. The Government is basically saying that the end justifies the means. The end does not justify the means. We do not tell our children to cheat at school so that they will do better in their exams. Recently we have read reports in the newspaper about the Lewandowski affair and about how Lewandowski said that in the old days, if the police thought that someone was guilty, they believed that the means that they used, such as intimidation, were justified by the end. That matter is now before a royal commission, which is saying no; the end does not justify the means. The President of the Legislative Council has not had the vote in 102 years. If this Government truly believed in one vote, one value, it would take it to a referendum. It should not make decisions and use the excuse that the end justifies the means. The Government should now sell its argument to the people. I sincerely believe that what the Government is proposing to do is not correct and that the Government is not doing the right thing by this Parliament and this community. If the Government is so sure that this is the way to go, it should call a referendum and let the people decide.

**MR J.J.M. BOWLER** (Eyre) [4.44 pm]: I will not speak for the whole hour. I will shortly be flying back to my electorate -

Mr P.G. Pental: To that electorate they are going to abolish, to have one last look!

Mr J.J.M. BOWLER: No! What we are talking about here is one vote. We have talked long and loud about one vote, one value. This is one vote and one value - one vote that one country member of our Parliament does not have, and no value. The member for Mitchell was gobsmacked when he was asked how could he explain to his constituents why a member representing the same electorate is not allowed to cast a vote in the House. That is

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what this is all about - nothing more and nothing less. I am waiting for the member's answer. The member for Albany asked him that question. I ask him that question again. What does he say?

Mr D.F. Barron-Sullivan: My answer is the President has a vote. He has a casting vote. He is the Presiding Officer. I have answered your question. Now answer my question. Do you then think that our upper House should be modelled on the Senate, in which the Presiding Officer has a deliberative vote? Is that what you are saying?

Mr J.J.M. BOWLER: Yes.

Mr D.F. Barron-Sullivan: The Senate has a vote weighting of thirteen to one.

Mr J.J.M. BOWLER: Exactly.

Several members interjected.

The ACTING SPEAKER (Mr P.W. Andrews): The level of interjection has reached the point that Hansard cannot hear and I cannot hear. I ask members to keep the level of interjection down.

Mr J.J.M. BOWLER: Members opposite want to talk about the federal system. Are they asking their federal parliamentary colleagues to introduce one vote, one value in their lower House? No, they are not. The federal seat of Kalgoorlie is a huge seat, often described as the biggest in the western world; and if we take out Siberia, it is probably the biggest in the world. It stretches from Kununurra to Esperance. It has a two per cent variance. Under the agreement that we had for the so-called one vote, one value, in my seat of Eyre the variance would be 22 per cent - 11 times greater than in the federal seat of Kalgoorlie. What are the Liberals in Western Australia doing? Are they asking their federal colleagues to have the same variance? No; they are silent on that matter. This is about one vote and one value - one vote for one member of the Western Australian Parliament, which should have the same value as the vote of all other members of the upper House.

**MR A.J. DEAN** (Bunbury) [4.47 pm]: I support my country colleagues in repudiating the motion. I congratulate the Attorney General for the very principled, democratic and lawful scheme that he has proposed in order to give one of my elected members of Parliament a vote. We have heard a lot of humbug from the opposite side of the Parliament. People on that side of the Parliament seem to think that they and they exclusively have lived in country Western Australia and in isolated places. I lived in the seat of Merredin for 10 years and in the seat of Wagin for three years. I know all the downfalls of living in country Western Australia. The downfalls of living in country Western Australia are not improved by giving people weighted votes. It is astonishing that the member for Moore can criticise members on this side of the Parliament when his electoral office is in Harvest Terrace, West Perth! The member for Moore talks about his ability to represent his constituents and about how difficult it is for his constituents to see him. What gross hypocrisy!

Mr M.J. Birney: Do you support one vote, one value?

Mr A.J. DEAN: Yes. What is the problem with that?

Mr M.J. Birney: What do the people in your electorate think about it?

Mr A.J. DEAN: They are very happy about it.

The ACTING SPEAKER (Mr P.W. Andrews): In my old age, the cacophony of sound makes it very difficult for me to hear the member for Bunbury, and I am hanging on every word.

Mr A.J. DEAN: As a Bunbury boy, I thank you.

Mr M.J. Birney: You are only saying that you support it because you are too scared to vote against it.

Mr A.J. DEAN: I made it clear at the last election and I again make it clear now - I support one vote, one value. Members opposite are trying to intimidate me by saying that if I support it, they will record it in Dan's newsletters, which will be distributed around my electorate, and they will tell the electorate not to vote for that naughty fellow. I am not intimidated by that behaviour. In my 25 years working in classrooms and in schools, I saw the degree of bullying that members opposite are displaying here today. They are using school bullying tactics, but I am not intimidated. I do not care if members opposite tell my constituents that I support one vote, one value. I am very proud of that principled position.

At the last election, the previous member for Bunbury and a number of his like-minded colleagues distributed a very graphic red pamphlet that asked whether my constituents realised that I support the one vote, one value legislation. The same pamphlet turned up in a lot of electorates, including Ballajura. On the other side it

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referred to prostitution and asked whether my constituents knew that I supported brothels operating next door to schools. However, the people were not fooled. They knew that it was absolute rubbish and they told me so. It was an insult to their intelligence. The people of Bunbury are far more sophisticated than members opposite give them credit for. At the last election the Australian Labor Party produced a pamphlet in Bunbury with Geoff Gallop's photo on it. We guaranteed that two electorates would remain in Bunbury, and that guarantee is still valid.

Mr R.F. Johnson: Where will they be?

Mr A.J. DEAN: In Bunbury and Mitchell, which is where the people are. I want the members for Kalgoorlie and Mitchell and the Leader of the Opposition to tell my constituents that I support one vote, one value because they will not mind. Members opposite can do their best. In the words of the member for Kalgoorlie, what a grubby little exercise this is.

**MR J.N. HYDE** (Perth) [4.52 pm]: I oppose this matter of public interest. The preamble that refers to an undemocratic, unprincipled and unlawful scheme is ridiculous. The legislation we propose is supposed to fundamentally change the way in which the Parliament operates. Middle-aged, senile men drew up our Constitution in the nineteenth century. The Constitution is not made of tablets of stone that were sent to Moses from above. Was it wrong to change the Constitution to extend the franchise to people who did not own property? Was it wrong to change the Constitution to extend the franchise to women? Was it wrong to change the Constitution to extend the franchise to indigenous people? No. Parliamentarians of the day denied the rights of those women and indigenous people and those who did not own property. A true Constitution is a living document that reflects the spirit of the day.

This Government has an undeniable mandate on the one vote, one value legislation. Anybody who went bush during the election or who watched GWN saw the humungous black television advertisements about what an awful Labor Government would do under the one vote, one value legislation. Everybody knew what we wanted to do, yet they still voted for us. It cannot be said that systems that have been in place for 100 years are sacrosanct. Members opposite cannot whinge that there are no hospitals in Merredin or that there are no railway lines to deliver superphosphate to the Moulyinning rail siding in the member for Wagin's electorate. Conservative Governments have been in power previously and we have been under the current voting system for 100 years. That argument is illogical. Only 17 per cent of members in this Chamber were born in the bush. The member for Roe and I were born in the mighty country town of Hamilton. We are here to represent our electorates today. We want fairness and equality. We support Labor's legislation. I urge members to not accept this MPI.

**MR A.D. MARSHALL** (Dawesville) [4.55 pm]: During my 10 years in this House, I have not heard so much hogwash from the Government in such a short time. I have had enough of the dictatorship style of this Government. Industrial relations legislation was introduced even though businesses did not want it. The gay and lesbian reform Bill was introduced despite the public not wanting it. Despite country people not wanting the one vote, one value legislation and the court's decision against the Government, the Government believes that it is bigger than the court system of Western Australia and is working out a shonky deal to get around that decision so that it can reintroduce the legislation.

The community does not like the style of this Government. When members of the Government are asked questions in this House, they rear up, blame the former Government or the Federal Government and then, like a broken record, tell us how good this Government is. I have heard that people cannot buy the Premier's typewriters because the letter "I" is shot. This dictatorship that we have to put up with is not warranted. Members of the public of Western Australia have woken up to this Government. They followed this court case and saw the Government lose. Now they are appalled that the Government is not abiding by the court's decision. The community of Western Australia knows what fair play is all about. It knows right from wrong. It knows the difference between fairness and slickness. The Government will lose at the next election because of this caper.

Mr M.W. Trenorden: Another country member.

**MR A.D. McRAE** (Riverton) [4.56 pm]: That is an interesting interjection. Even before I said one word, the Leader of the National Party said, "Another country member." It is pleasing to be reminded of it. I come from one of only two palindrome place names in Australia, the other being -

Ms M.M. Quirk: Glenelg.

Mr John Kobelke; Mr Dan Barron-Sullivan; Mr D.F. Barron-; Attorney; Mr Max Trenorden; Acting Speaker; Dr Geoff Gallop; Mr Matt Birney; Ms Dianne Guise; Mr Jeremy Edwards; Mr John D'Orazio; Ms Sue Walker; Mr Martin Whitely; Mr Brendon Grylls; Mr Alan Carpenter; Mr Phillip Pental; Mrs C.A Martin; Mrs Carol Martin; Mr Paul Omodei; Mr Peter Watson; Dr Janet Woollard; Mr John Bowler; Mr Tony Dean; Mr John Hyde; Mr Arthur Marshall; Mr Tony McRae; Mr Colin Barnett; Mr Jim McGinty; Speaker; Mr Bill McNee

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Mr A.D. McRAE: Well done, member for Girrawheen. She will get the prize at the next ALP quiz night. As proof of my country credentials I am not including the central part of Canberra known as Civic as a palindrome; it does not count. I come from the town of Tumut in New South Wales in the Snowy Mountains region. That town has a population of about 5 000 people. It is a timber and dairy town. If members look at the straw broom in their laundry closet - I know that some members will go back into the closet - they will find that it comes from the Tumut broom factory.

I make this introduction by way of responding to the Leader of the National Party's interjection. I am sick and tired of hearing members opposite make shallow attempts to attack other Labor Party members' knowledge, background and interest in the whole community of Western Australia. For once, members opposite should get past this notion that the Labor Party has no interest, knowledge, background in or passion for the concern and welfare of people in all aspects of society and in all parts of Western Australia. This Government has its mind set on the rights and interests of the welfare of all people in Western Australia no matter who they are or where they come from.

I will provide members with an example of an independent view of this matter. During the last break when I was driving back from the north west, I was listening to country ABC radio. A woman from Mukinbudin, who attended the water symposium that was held in this Chamber only a couple of weeks ago, talked about her experience. What was her explanation when pressed by the country journalist on whether she felt absolutely overwhelmed by the majority - that is, 75 per cent - of the delegates who came from the city? She said that she went there with some trepidation, believing that city people would have a city focus and would have no knowledge or understanding of, compassion for or interest in country people -

Mr M.W. Trenorden interjected.

Mr A.D. McRAE: The member should listen to what she said, for heaven's sake! Does he never listen? I am trying to tell the Leader of the National Party what a woman from Mukinbudin said on country radio in Western Australia and he does not want to know. He is deaf to what people are saying and does not want to know when it is presented to him. That woman clearly put it on the record that the people at the water symposium had a clear understanding of the broad responsibilities of all of us in Western Australia. It did not matter whether they were from the city or the country. The interests of all the people in the community are the responsibility of all the people and all the representatives in the community. The same is true for this Parliament. This ratbag, rubbish motion that has been moved this afternoon is a charade and a pretence of ethics and principles. I am disgusted that members pretend to represent some ethical standpoint with this sort of garbage. They are not interested in it. In another two years they will get smacked again because they do not listen to the people.

**MR C.J. BARNETT** (Cottesloe - Leader of the Opposition) [5.01 pm]: There is no doubt that at the last election the Labor Party campaigned on changes to the electoral system. The model in the Labor Party's Bills that came before this Parliament would have created an electoral system in this House with 42 members from the Perth metropolitan area and 15 from country areas. It is the view of members on this side of the House that that would not deliver fair representation for all the people and regions of Western Australia. I add also that it would not create a Parliament that was functional for a regionally based economy, particularly one that is dependent on its hinterland and is broadly defined by the agriculture, mining and diversity of the regions of this State. It would be a city-centric, dysfunctional Parliament serving neither the people nor the long-term interests of this State well. That is why we on this side of the House support fair representation for all people and all regions.

The Labor Party knew that it required an absolute majority to pass its electoral Bills. It knew it required 18 votes on the floor in the Legislative Council. What did it do? It considered changing the constitutional arrangements, but, presumably after discussions with the Greens (WA), it decided that it would be sneaky. Instead of respecting our constitutional and electoral laws, which still stand as the law today, what the Labor Party did was a contrivance. It was deceitful and dishonest. Instead of amending the Act, because it knew that required an absolute majority, it sought to repeal the Act and replace it with a different one. It was clearly a deliberate contrivance to circumvent Western Australia's constitutional arrangements and electoral laws. It was dishonest. The tactic used reflects poorly on the Premier of this State, the Attorney General and all members opposite. They were warned. It was not as though the problem was unanticipated. The Bills ended up in the Supreme Court of Western Australia, which found that what the Labor Party did was unlawful. It found that the actions of Dr Gallop, as Premier, and the member for Fremantle, as the Attorney General, were unlawful. There is no doubt about that.

Mr J.A. McGinty: No, it did not.

Mr John Kobelke; Mr Dan Barron-Sullivan; Mr D.F. Barron-; Attorney; Mr Max Trenorden; Acting Speaker; Dr Geoff Gallop; Mr Matt Birney; Ms Dianne Guise; Mr Jeremy Edwards; Mr John D'Orazio; Ms Sue Walker; Mr Martin Whitely; Mr Brendon Grylls; Mr Alan Carpenter; Mr Phillip Pental; Mrs C.A Martin; Mrs Carol Martin; Mr Paul Omodei; Mr Peter Watson; Dr Janet Woollard; Mr John Bowler; Mr Tony Dean; Mr John Hyde; Mr Arthur Marshall; Mr Tony McRae; Mr Colin Barnett; Mr Jim McGinty; Speaker; Mr Bill McNee

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Mr C.J. BARNETT: The Attorney General can speak later. We have waited for two hours for the Attorney General to tell us that he did not act in a manner that was unlawful in this Parliament. The Supreme Court found that that action was unlawful. What makes it worse is that the Premier, who is not even in the Chamber, and the Attorney General will not accept the decision of the umpire. They will not accept the decision of the Supreme Court of Western Australia.

Mr J.A. McGinty interjected.

Mr C.J. BARNETT: Mr Speaker, are you going to do your job? I am addressing the Chair.

Mr J.A. McGinty interjected.

Mr C.J. BARNETT: The passage of the Bills was found to be unlawful. They did not pass through the Parliament as members opposite claim. The Labor Party thought the Bills passed through the Parliament, but the Supreme Court said that they were unlawful. In other words, according to the law as interpreted by the Supreme Court, the electoral Bills did not pass through the upper House. They may have gone through a process, but they were not passed.

Now, in a most arrogant action, which is full of ego and gall, the Labor Party proposes to do exactly the same thing. Now it proposes to reintroduce into this Parliament electoral Bills and, at the same time, to introduce a Bill into the upper House seeking to change the Constitution of Western Australia. Nothing about that was said at the election. This is simply an opportunistic act for the sole reason of getting the Labor Party's electoral Bills through Parliament. The Labor Party also has the arrogance to do it concurrently. It will expect members in this House to debate electoral legislation even though they will not know whether it will be lawful. Members in the upper House will debate changes to the Constitution when they know it is being done solely for the convenience of the Labor Party and its electoral ambitions. That is a disgraceful, arrogant, contemptuous approach to Parliament.

What are the Premier and the Labor Party about in Western Australia? When the Premier won the election in 2001, he made a commitment on television to govern for all the people of Western Australia, as do most new incoming Premiers. What have we seen? We have seen the Premier, along with the Attorney General, govern for the Australian Labor Party - nothing more, nothing less. He is totally self-interested. What is happening in our community? There is a crisis in our hospitals. Legislation relating to health care has been promised. Where is it? It will not go anywhere this year because we will spend the next two months debating electoral and constitutional changes. As the Deputy Leader of the Opposition said, even if the Bills were to pass through the two Houses according to the Labor Party's criteria, they will go straight to the Supreme Court and will probably be ruled unlawful for exactly the same reasons the last electoral Bills were deemed unlawful. Yet the Labor Party has the arrogance and gall to pursue it again and to commit the same crime in the name of that to which it is beholden, its narrow support, the absolute domination by the ALP party machine and its union masters.

What other issues will be neglected? There is a public liability crisis. The Labor Party has not even passed those Bills through this Parliament. It has decided, by implication, that it will not progress the public liability Bills in the upper House; it will now debate constitutional change. That is the Labor Party's priority. What about country people? As country members in this House have said, there is a drought. If the Premier ever went to the other side of the Darling Range, he would see that there is a crisis in rural Western Australia. This summer, probably dozens, hundreds and maybe even thousands of people will leave country areas and never return. Yet this Premier is committed to taking away and reducing their representation because it suits the Labor Party. He does not give a damn about country people. He is deserting the farmers and the rural communities, just as he deserted the timber towns and the timber workers last year. He does not give a damn about the people of this State. It is a disgraceful performance by the Labor Party.

What is its priority? The priority of the schoolboy Premier, who is absent and does not even come into the Chamber to face the music, and the Labor Party, through two, three or even six months of lower and upper House debates and Supreme Court cases, is the electoral interests of the Labor Party. It did not give a fig about the people of this State, and it is demonstrating that by its actions in this debate.

**MR J.A. MCGINTY** (Fremantle - Attorney General) [5.10 pm]: Two very important principles currently are at stake before the House. Notwithstanding the attempts by the Leader of the Opposition to minimise their importance, I will state for the record that I regard them and the integrity of this institution as paramount. We cannot have a Parliament that is elected on the basis of a corrupt electoral system.

Mr John Kobelke; Mr Dan Barron-Sullivan; Mr D.F. Barron-; Attorney; Mr Max Trenorden; Acting Speaker; Dr Geoff Gallop; Mr Matt Birney; Ms Dianne Guise; Mr Jeremy Edwards; Mr John D'Orazio; Ms Sue Walker; Mr Martin Whitely; Mr Brendon Grylls; Mr Alan Carpenter; Mr Phillip Pental; Mrs C.A Martin; Mrs Carol Martin; Mr Paul Omodei; Mr Peter Watson; Dr Janet Woollard; Mr John Bowler; Mr Tony Dean; Mr John Hyde; Mr Arthur Marshall; Mr Tony McRae; Mr Colin Barnett; Mr Jim McGinty; Speaker; Mr Bill McNee

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Mr C.J. Barnett: Go to the people and ask the question.

Mr J.A. McGINTY: The Leader of the Opposition has acknowledged that corruption. The Leader of the Opposition has personally endorsed the principle that this Government wants to pursue, notwithstanding his recent denials on radio earlier this week. He denied to the people that he supported the one vote, one value electoral equality notion, but he knows it is true because he supports the principle of one vote, one value.

Mr C.J. Barnett: Read the rest of the quote; read the speech.

Mr J.A. McGINTY: There is absolutely no qualification on his support for this very important principle of electoral equality. That is the first principle that this Government stands for. During the debate last year, the Leader of the Opposition said -

... I have no argument with the principle of one vote, one value; it is unassailable.

He went on to say -

One vote, one value is a basic tenet or principle of democracy.

He went on to say -

I will not argue with the principle of one vote, one value.

He went on to say -

I do not compromise my basic belief in one vote, one value. I will not hide from it or pretend that I do not support that principle.

On and on went the Leader of the Opposition, endorsing the principle but, of course, voting against it. The first principle in this issue is that all citizens should have an equal say in electing their Government. That principle is truly unassailable and is the reason that, apart from the vested interests of members of the Liberal, One Nation and National Parties -

Several members interjected.

The SPEAKER: Members, it is one thing to interject incessantly but the same members object strenuously when they are interjected on. I ask the Leader of the Opposition and the member for Kalgoorlie to allow the Attorney General to have his say. Members have been taunting him in this debate to have his say. I request strenuously that that occur.

Mr J.A. McGINTY: Mr Speaker, that is the first principle and it is one that enjoyed the support of every member of this Parliament, other than those with a direct vested interest. The One Nation, Liberal and National Parties voted against it for reasons of pure self-interest and nothing whatsoever to do with the principle.

The second principle of this legislation is that if members are elected to represent people in this Parliament, they should be allowed to vote. Is there an argument against that? Does the President of the Senate not get a vote? What is the problem with that principle?

I will refer briefly to a criticism by the member for South Perth, which I hope is a criticism because his objections are intertwined on this occasion rather than being an objection to each principle in its own right. I take members opposite back to the days of the elder statesman of their party, who has a lot to answer for in the criticism that members opposite are making of this proposal in the Parliament today. I refer to Sir Charles Court. In 1978, Sir Charles Court caused a Bill to be passed through the Parliament because he had a rorted electoral system through which he knew he would win the election regardless of the vote because WA did not have electoral equality. Part of that continuum of conservative domination in this place, regardless of the public will expressed through elections, meant that there would always be a conservative majority of Nationals and Liberals in the upper House. Sir Charles Court knew that was the case and, therefore, came into this place and amended the Constitution to say that in future a referendum must be held if provisions of the Constitution were to be changed. Did he take that question to the people in a referendum? No, he did not. He simply used what the law enabled him to do at the time. At that stage the federal Colonial Laws Validity Act enabled him to bring in a law that tied the hands of every future Parliament in this State so that they would not be able to do things that the will of the people would otherwise have them do. That was a most undemocratic move by Sir Charles Court and he did that by amending the Constitution without using a means that he said in future must be used to amend the Constitution; that is, a referendum. Sir Charles Court, the Opposition's elder statesman, was the antithesis of



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democracy when he dealt with matters in this place; he was an absolute disgrace. He relied on the malapportionment of electorates - the gerrymander - and the inherent corruption in this Parliament to do that.

This Government is about saying that that should be brought to an end. We will use any legitimate constitutional provision to achieve a system in which those two principles that I spoke about are enshrined; that is, if members are elected to represent an area, they should have a vote. Every citizen of this State should be equal before the law and before this Parliament when they elect their members of Parliament.

Mr C.J. Barnett: They are.

Mr J.A. McGINTY: They are not. This system is a filthy, rotten, corrupt system. The Leader of the Opposition knows that as well as I do.

Mr M.W. Trenorden interjected.

Mr J.A. McGINTY: The Leader of the National Party knows it too. He does not believe in what he is saying. What he is saying reflects pure self-interest because it will be "goodnight nurse" to the National Party; that is the sole motivation for his arguments in this debate.

I will very quickly tell the House a story. This morning I went to Fremantle Hospital in my electorate and I met some people who were badly injured in the Bali bombing attack. While I was there, three independent people whom I did not know but who work at the hospital, called me to one side at different stages and every one of them said to me words to the effect, "Good on you, Jim, stick by your guns; this is an important principle; stick at it." That is what people throughout the length and breadth of this State are saying. It is an important principle. The day that members opposite stand in this place and condemn other members for pursuing relentlessly a principle in which they believe is the day that they might as well pack up and go home. Members opposite do not believe in principles; we do.

**MR W.J. McNEE** (Moore) [5.17 pm]: I feel inclined to make a few comments in this debate. I remind members that we are talking about the unprincipled, undemocratic and unlawful actions of this Premier and his Attorney General. At the back of this issue is their passion to enforce on us a Mugabe-style Government that they want to firmly entrench in this State. That is what this matter is about. It has nothing to do with fairness or anything else that they talk about. If they want to talk about fairness, I am more than happy to talk about that. Some time ago in this debate, I said that they were like a couple of fishmongers with a piece of rotten fish; here they are back again with it. They have been to the Supreme Court. Which court did they go to first?

Mr D.F. Barron-Sullivan: They have been everywhere.

Mr W.J. McNEE: Yes, they are like Mary Brown; they have been everywhere. Members should not worry about that. They have been everywhere and been rejected wherever they have been. However, that is what they will do because they have a real passion to enforce this principle on the people of Western Australia. Some government members say they are country Labor members but they do not believe in it. They scramble to their feet eventually and mumble something about which I am not quite sure. However, they do not believe in what they are saying. Of course they say that they understand the country, but they do not.

I was at a concert at Mangowine in the member for Merredin's electorate - the member for Merredin might have been there too - when an announcement was made that evening that people should be careful driving home because there was no doctor between Kalgoorlie and Northam. I say to those Labor country people who scrambled up and gave us a lot of horseradish that they do not understand the country. They have absolutely no idea.

Mr J.A. McGinty: Where is your office?

Mr W.J. McNEE: My office is across the road from Parliament House. The Labor Party candidate in my electorate was not a bad bloke. He worked very hard on behalf of the Australian Labor Party, yet it lost 400 votes at the last election. That is the Government's record. It wants to force its views on my people, but it will not do it. I can picture the Attorney General with the Premier in some dingy alley determining the policy of the State. They have realised that they failed in their last attempt and have decided to change the rules. That is like saying that because we are losing the football match we will change the umpire. If the Government really meant what it says about the country, it would not do that.

Thankfully, my electorate is not in drought. It is not going too badly at all. However, people in the areas east of my electorate will not get their seed back. They will experience huge losses. I want to know what this

**Extract from *Hansard***  
[ASSEMBLY - Thursday, 17 October 2002]  
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Mr John Kobelke; Mr Dan Barron-Sullivan; Mr D.F. Barron-; Attorney; Mr Max Trenorden; Acting Speaker; Dr Geoff Gallop; Mr Matt Birney; Ms Dianne Guise; Mr Jeremy Edwards; Mr John D'Orazio; Ms Sue Walker; Mr Martin Whitely; Mr Brendon Grylls; Mr Alan Carpenter; Mr Phillip Pandal; Mrs C.A Martin; Mrs Carol Martin; Mr Paul Omodei; Mr Peter Watson; Dr Janet Woollard; Mr John Bowler; Mr Tony Dean; Mr John Hyde; Mr Arthur Marshall; Mr Tony McRae; Mr Colin Barnett; Mr Jim McGinty; Speaker; Mr Bill McNee

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Government - which looks after everybody - is doing about it. I bet the members for Avon, Wagin, Roe and Merredin can tell me. It has done nothing. The other day one of the Government's ministers said that the Government did something last year. It has done nothing. People are buying hay to feed those sheep that the member over there cannot count. They are transporting that hay a considerable distance at a significant cost. The Government has done nothing. I think it is about the only State Government in Australia that has not done something about the drought. Yet, its members stand and talk about their passion for country people. They have no idea.

The SPEAKER: The time for the debate on this motion has now expired, and I will put the question.

Question put and a division taken with the following result -

Ayes (18)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr W.J. McNee	Mr T.K. Waldron
Mr C.J. Barnett	Mr J.P.D. Edwards	Mr P.D. Omodei	Dr J.M. Woollard
Mr M.J. Birney	Mr B.J. Grylls	Mr P.G. Pandal	Mr A.D. Marshall ( <i>Teller</i> )
Dr E. Constable	Ms K. Hodson-Thomas	Mr D.F. Barron-Sullivan	
Mr J.H.D. Day	Mr R.F. Johnson	Mr M.W. Trenorden	

Noes (25)

Mr P.W. Andrews	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr D.A. Templeman
Mr A.J. Carpenter	Mr R.C. Kucera	Mrs C.A. Martin	Mr P.B. Watson
Mr A.J. Dean	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Mr J.B. D'Orazio	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Ms M.M. Quirk ( <i>Teller</i> )
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	
Mrs D.J. Guise	Mr M. McGowan	Mr E.S. Ripper	
Mr J.N. Hyde	Mr A.D. McRae	Mrs M.H. Roberts	

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Pairs

Mr M.G. House	Mr S.R. Hill
Mr J.L. Bradshaw	Mr C.M. Brown
Mr M.F. Board	Ms S.M. McHale
Mr R.N. Sweetman	Mr J.J.M. Bowler
Mr B.K. Masters	Dr J.M. Edwards

Question thus negatived.