

LOCAL GOVERNMENT AMENDMENT BILL (NO. 2) 2006

Second Reading

Resumed from 14 June.

MR E.S. RIPPER (Belmont - Deputy Premier) [4.37 pm]: When we were debating this matter last week, the opposition raised a number of objections to the legislation, which relates to the voting system to be used in local government. The opposition's principal objection, as I could see it, was that the proposed voting system would result in party politics, tickets and political alliances dominating the outcome of local government elections. I do not believe that that is the case. I believe that the existing system of voting in local government is in fact more conducive to that ticket voting and politicisation that the opposition fears than the proposed new system will be. For example, with a single vacancy, the proposed new system is the same system that we use for electing this house of Parliament and the House of Representatives. With regard to multiple vacancies, the proposed new system of voting is essentially the same system that we use for electing the Legislative Council in this state, and also for electing the Senate in the national Parliament. It is a system that voters are familiar with.

Let us look at the situation in which there are, say, three vacancies, and the existing system is applied. Under the existing, first-past-the-post, system, people can turn up to vote and put ticks against three names. Quite often what happens in council elections is that there is a ticket. There is a leading councillor who gets all of his or her supporters to turn up, and while they are putting a tick against the leading councillor's name, they use the other two ticks to put against the names of those people who are essentially on the ticket of the leading councillor. That system is a winner-takes-all system, because it means that 100 per cent of the vote for the leader on the ticket can be transferred to the other people on the ticket. Under the proposed system, only the surplus beyond the quota can be transferred to the other candidates. In a circumstance in which there are three vacancies, the quota would be 25 per cent plus one. Three quotas would be required to elect three candidates. If people vote for the leading councillor on the ticket, 100 per cent of the vote cannot be transferred to the other people on the ticket, as is the case with the existing system; only the surplus beyond the quota can be transferred. Consequently, when compared with the existing system, the new system is less conducive to ticket voting, because it provides less reward for people lower down on a ticket. The new system will be more reflective of the diversity of opinion in the local community than the existing system.

There is no need for people to fear the new system in the way that the opposition has said that they should. It is not an uncommon system; indeed, it is used in state and federal elections. From the point of view of the voter, it has the virtue of being consistent with the voting system used in state and federal elections. A somewhat dangerous situation exists in state and federal elections, because people have to vote preferentially. They have to number all the candidates from 1 to the end of the ballot paper, whereas in local elections they must put a tick against their preferred candidate. That is very dangerous, because it could produce a situation in which people think that the same system is valid in state and federal elections and that all they need to do is to put a tick beside their preferred candidate. If the federal election is held a couple of weeks after first-past-the-post system local government elections, we can expect to see an increase in the level of informal voting in the federal election, because people would have recently had a voting experience that did not require them to number every candidate on the ballot paper in preferential order.

I can deal more easily with the question of the so-called politicisation of tickets. I will provide an undertaking that the Labor Party will not endorse candidates in local government elections. I would like the opposition to give an undertaking that the Liberal Party will not endorse candidates in local government elections. I would like the Nationals to give an undertaking that the Nationals will not endorse candidates in local government elections. I would also like the Greens (WA) to give that same undertaking. I give that undertaking on behalf of the Labor Party. We will not endorse candidates in local government elections. Will the member for Moore give an undertaking that the Liberal Party will not endorse candidates in local government elections?

Mr G. Snook: Minister, you know full well that I am not the Leader of the Liberal Party and that I cannot speak on behalf of the party. That is a stupid question. Personally, I am opposed to party politics in local government. I have always said that.

Mr E.S. RIPPER: Unfortunately, the Leader of the Liberal Party is not in the chamber. Does any Liberal Party member support preselecting candidates for local government elections? Does the member for Nedlands support the Liberal Party preselecting candidates for local government elections?

Ms S.E. Walker: Let us be honest, minister. Local governments are stacked by different parties.

Mr E.S. RIPPER: Is that the case in Nedlands? Is that local government stacked with Liberal Party people? The member for Nedlands will not answer.

Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

Ms S.E. Walker: I will answer the minister. I am not saying that they are Liberal, but Bill Hassell has a charter for Nedlands group. It is well known and well publicised.

Mr E.S. RIPPER: I thought I was making headway, because the member for Dawesville said that the Liberal Party does not agree with preselecting candidates for local government elections.

Dr K.D. Hames: I have never known a local government candidate to be preselected by the Liberal Party. In Mandurah, a well-known Labor Party person has endorsed candidates. I am not referring to David Templeman, although he has supported certain people down there. I refer to the current mayor before she became mayor. She endorsed local candidates. She has well-known Labor Party connections.

Mr E.S. RIPPER: We cannot introduce a law to prevent individuals from supporting other individuals in an election. Does the member for Serpentine-Jarrahdale support party preselection for local government elections?

Mr A.J. Simpson: Local government should stay on the fence and not get involved in state government politics.

Mr E.S. RIPPER: Okay, the member for Serpentine-Jarrahdale does not support party preselection for local government elections. What about the member for Bunbury?

Mr G.M. Castrilli: I am on the record as saying that I detest any political interference in local government, full stop.

Mr E.S. RIPPER: The member for Moore has made his position clear. What is the view of the member for Capel?

Dr S.C. Thomas: Are you suggesting that the Liberal Party has endorsed local government candidates?

Mr E.S. RIPPER: I am asking the member to give a commitment that the Liberal Party will not endorse candidates for local government elections.

Dr S.C. Thomas: Has the Labor Party ever endorsed candidates for local government elections?

Mr E.S. RIPPER: I do not know the history.

Several members interjected.

Mr E.S. RIPPER: I do not know the history, but I am giving an undertaking that the Labor Party will not endorse candidates in local government elections.

Dr S.C. Thomas: Do you speak for the Labor Party?

Mr E.S. RIPPER: I am the Deputy Premier; therefore, I speak on behalf of the Labor Party. I am giving an undertaking that the Labor Party will not endorse candidates in local government elections. Will the Leader of the Opposition give the same undertaking?

Mr P.D. Omodei: Is that the same kind of statement that Norm Marlborough used to make -

Mr E.S. RIPPER: Will the Leader of the Opposition give that undertaking? Is this really so hard? I would have thought that this was an open-and-shut matter for the Liberal Party. The opposition has campaigned against the politicisation of local government elections and it has said that the voting system raises the chance of politicisation of local government elections. I give an undertaking that the Labor Party will not preselect local government candidates and that it will not seek to politicise local government elections. I ask the Liberal Party to give what I regard to be a simple undertaking. I do not know why the Leader of the Opposition will not undertake to not preselect candidates in local government elections.

Mr P.D. Omodei: We don't preselect candidates for local government elections. We never have.

Mr E.S. RIPPER: At last the Leader of the Opposition has said that the Liberal Party has not and will not preselect candidates for local government elections. Both major parties have said that they will not preselect candidates for local government elections. That deals with the opposition's argument that somehow or other the voting system we are introducing is an attempt to politicise local government. We want a system that is consistent with state and federal systems, that properly reflects the diversity of opinion in the community and that minimises the advantages that might flow to people on a ticket. I do not accept the opposition's argument on that issue. It has fundamentally misunderstood how the voting system works. The new system will mean less ticket voting, less politicisation and fewer opportunities for deal making.

Mr P.D. Omodei: Member for Albany, do you believe what he is saying?

Mr P.B. Watson: I know that the previous member for Albany ran a campaign for the unsuccessful Mayor of the City of Albany at the last election.

Several members interjected.

Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members! The minister has the floor. The three conversations that are taking place across the chamber mean that I cannot hear what the Deputy Premier is saying. I would like to hear what he has to say, because he has been making sense.

Mr E.S. RIPPER: Perhaps by pausing to draw breath, I inadvertently encouraged members to engage in cross-chamber debate.

Mr G. Snook: You asked the question!

Mr E.S. RIPPER: I did. I was also being provocative when I asked, in the absence of the Leader of the Opposition, a number of Liberal people to state their position. By my own processes, which would be a bit rough and ready by Liberal Party rules, I have at last discovered that the Liberal Party will not endorse candidates for local government elections. I have already stated on about three occasions that the Labor Party will not do so either. I think that deals with the argument that there is some hidden agenda to politicise local government. The new voting system will better reflect the diversity of opinion in the electorate. It will provide less, not more, incentive for ticket voting. It is consistent with state and federal elections; therefore, it will contribute to formal voting in state and federal elections, rather than to potential confusion, which is the case with the existing system. I know that there is some opposition - probably a lot of opposition - among local governments to the change in the system. However, it has not been the case that local governments have had the responsibility to determine their own voting system. It has always been the case that the Parliament of Western Australia has made the determination. In fact, the current first-past-the-post voting system was first used only in the 1997 elections. Preferential voting was used for most of the twentieth century, but there have been only five first-past-the-post election rounds: in 1997, 1999, 2001, 2003 and 2005.

Mr G. Snook: But not proportional.

Mr E.S. RIPPER: I will come to that point in a moment. For all the twentieth century, until 1997, we used preferential voting. The previous government changed the system to first-past-the-post. Now, for single-vacancy elections, we will go back to preferential voting, which was used for most of the twentieth century; and for multiple vacancies, we will go to proportional voting. For multiple vacancies, proportional voting is much fairer and is a much better system than either the first-past-the-post system or some sort of non-proportional form of preferential voting. If we have a first-past-the-post or preferential system for multiple-vacancy elections, we will be adopting a winner-takes-all system. I do not agree with a winner-takes-all system. Given that we do not have formal government and formal opposition in local government arrangements, we should not have a winner-takes-all approach. We should have a council that properly reflects the diversity of opinion in the community. Proportional representation when there are multiple vacancies gives a proper reflection of community values. That is why people represented in the upper house cannot win a seat in the lower house, and that is why people represented in the Senate cannot win a seat in the federal lower house.

Mr G. Snook: You obviously support the retention of the upper house.

Mr E.S. RIPPER: The government has supported the retention of the upper house with the new electoral arrangements; however, they should be on a one vote, one value basis. Proportional representation in the upper house gives a different perspective on community opinion from that of the voting system in the lower house, in which it is important that there be one side with a majority so that we can have government on a sound basis.

We have been round and about on this issue. I will conclude my remarks in a minute. This will work for local government. It will not produce the outcomes that are feared by the opposition and probably by some people in local government.

Mr P.D. Omodei: Some people? Not 90 out of 144 local governments?

Mr E.S. RIPPER: The Leader of the Opposition can state what he wants about the number of people in local government. I am saying that however many people in local government and however many people in the opposition are worried about this, I do not think their worries will come to pass. I know how this system works. The community knows how it works because it is used for the Senate and the Legislative Council. It is used for the House of Representatives and the Legislative Assembly for single vacancies. Once this system has operated for an election or two, the people in local government will come to appreciate its merits. I commend the bill to the house.

Question put and a division taken with the following result -

Extract from *Hansard*
[ASSEMBLY - Tuesday, 19 June 2007]
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Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

Ayes (26)

Mr P.W. Andrews	Mr J.C. Kobelke	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.J.M. Bowler	Mr R.C. Kucera	Mr M.P. Murray	Mr P.B. Watson
Mr A.J. Carpenter	Mr F.M. Logan	Ms M.M. Quirk	Mr M.P. Whitely
Mr J.B. D'Orazio	Ms A.J.G. MacTiernan	Ms J.A. Radisich	Mr B.S. Wyatt
Dr J.M. Edwards	Mr M. McGowan	Mr E.S. Ripper	Mrs J. Hughes (<i>Teller</i>)
Mrs D.J. Guise	Ms S.M. McHale	Mrs M.H. Roberts	
Mr J.N. Hyde	Mr A.D. McRae	Mr T.G. Stephens	

Noes (20)

Mr D.F. Barron-Sullivan	Mr M.J. Cowper	Mr J.E. McGrath	Dr S.C. Thomas
Mr M.J. Birney	Mr J.H.D. Day	Mr P.D. Omodei	Mr M.W. Trenorden
Mr T.R. Buswell	Dr K.D. Hames	Mr D.T. Redman	Mr T.K. Waldron
Mr G.M. Castrilli	Ms K. Hodson-Thomas	Mr A.J. Simpson	Ms S.E. Walker
Dr E. Constable	Dr G.G. Jacobs	Mr G. Snook	Mr T.R. Sprigg (<i>Teller</i>)

Pairs

Mr S.R. Hill	Mr G.A. Woodhams
Mr J.R. Quigley	Mr R.F. Johnson

Question thus passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title -

Mr P.D. OMODEI: Given the importance of this bill, the Deputy Premier seemed to downplay the proposal for proportional preferential voting contained in it. Has the Deputy Premier, as the minister representing the Minister for Local Government, consulted or had any discussions with the Western Australian Local Government Association or the Local Government Managers Association about the implications of this legislation? Members on this side of the house have articulated quite clearly the position of local government. When I say “local government”, I am talking about the Local Government Association and its member councils. They have expressed, in the main, very strong opposition to this proposal. If the government thinks this proposal is so fair, I cannot for the life of me understand why it would not listen to what the LGA and local governments are saying. They have come out very strongly opposed to this legislation, which brings in proportional preferential voting. We understand that in a single-member vacancy there will be straight preferential voting. I must say that the Deputy Premier is quite right: with multimember vacancies under preferential voting, it is winner take all. We have seen examples of that around Western Australia, whether it is in local government or elsewhere. In my electorate at one stage there was a hospital board election that was run by the Electoral Commission. The important thing when we are referring to the short title of the bill is that, yes, it is an amendment to the Local Government Act, but it is strongly opposed by local government. In my time in this house I cannot recall many occasions when the government has imposed its will on the next sphere of government, particularly when that level of government is so strongly opposed to this proposal that it spent \$100 000 on a campaign and 40 local governments chose to move motions of no-confidence in the then minister. We have had six Ministers for Local Government in the past seven years. It is unprecedented in the history of the Parliament of Western Australia for a minister to be censured so many times by local government, and yet the government has forged ahead to introduce a system of voting that local government does not want. Regardless of whether the minister can proclaim or promote the virtues of this system of voting, the fact is that local government - I am repeating myself and I will continue to do so - is very strongly opposed to the imposition of this system by the state government. We know that local government is a creature of the state and exists purely because of a statute of the Western Australian Parliament. It has not been brought into existence by any other sphere of government, but by state Parliament creating local governments and controlling them under the Local Government Act.

I ask the Deputy Premier again: did he personally consult local government, given that he knew we would be debating this legislation in the Parliament today? Has he called the president of the WA Local Government Association, Bill Mitchell, or Ricky Burgess, the CEO, to have discussions with them so that he can gauge for himself the feeling of local government towards this proposal?

Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

Mr E.S. RIPPER: The government has a partnership arrangement with local government. On at least two occasions a year a range of government ministers meet formally with WALGA and local government managers. I have been the chair of those meetings in recent times. Certainly at one of those meetings I had a brief discussion with WALGA about its position and it said it was opposed to this voting system. I have also had a number of informal conversations with Bill Mitchell in which I have tried to convince him that the system has merit. I am advised that the Minister for Local Government, Hon Ljiljanna Ravlich, met with Bill Mitchell and Ricky Burgess from WALGA on several occasions. She has also met with the Local Government Managers Association and with representatives of all metropolitan councils and many non-metropolitan councils during the time that she has been minister.

I concede there is a lot of opposition in local government to this proposed electoral system. I think the opposition is misplaced. I hear from the Liberal Party that the opposition is based on the idea that there will be politicisation, ticket voting and deal making in local government. My own very strong view is that the existing electoral system rewards that sort of behaviour more than the new system. The existing system is more conducive to that form of behaviour than the new system. I think once local government sees the new system in operation, it will find its fears have been misplaced. If I am wrong, there will be a backlash and the government will be in receipt of more protests and more campaigning. I think once the system is in place and local government has been through an election or two with the system operating, the idea that it is all about party politics and deal making will fall away. We have established in the Parliament today that neither of the major parties is proposing to preselect candidates or politicise local government elections. I very much doubt that the Nationals and the Greens, whom I was not able to interrogate, would be interested in politicising local government either. There is a natural fear of change and a system that for the uninitiated might at first glance be difficult to understand, but once it is implemented, I believe the fears will be shown to be unjustified.

Mr P.D. OMODEI: I must challenge the Deputy Premier on his last statement. The facts are that the Liberal Party has never endorsed candidates for local government elections. When the Deputy Premier says that the Labor Party is not going to do it -

The ACTING SPEAKER (Mrs J. Hughes): Just before the Leader of the Opposition continues, I point out that this debate is about the short title of the bill. I ask him to concentrate on the clause.

Mr P.D. OMODEI: I will. The clause relates to the short title of the bill, which is an amendment to the Local Government Act and is dated 2006. I was just saying that the whole essence of this bill relates to the title, and everything that is in it can be sheeted back to the title of the bill. I do not believe the Deputy Premier when he says that the Labor Party will not endorse candidates. It may not endorse them physically, but certainly we know that the Labor Party actively becomes involved in local government elections, so much so there are already councils known as "pink" councils and "blue" councils in the metropolitan area. It is not so prevalent in regional Western Australia. Deputy Premier, it is not just me; it is also those 144-odd local governments, but 90 in particular, that are concerned about the introduction of this type of legislation and about the politicisation of local government.

Mr E.S. Ripper: Will you take an interjection?

Mr P.D. OMODEI: No, I will not. The Deputy Premier can get up and say it himself. The member opposite may be the Deputy Premier, the Treasurer of the state and the Minister for State Development, but I for one do not believe that he has the amount of influence on the Labor Party that he says he has. I do not think it has anything to do with him at all. As a matter of fact, it will be Bill Johnston who makes the decision. You will have to forgive me, Madam Acting Speaker (Mrs J. Hughes), but is it not passing strange that there is the imperative to get this legislation passed before this session is finished? If the Deputy Premier is serious about this, I challenge him to defer this legislation until after the break. If it is such good legislation and if it is not so important to the Labor Party, why does he not bring it in for the next local government elections? We have had first-past-the-post local government elections since, as the Deputy Premier said, 1997, so there have been about five or six of them. There have not been any major problems with that kind of voting system, so why do we not delay the legislation? I put it to the Deputy Premier that the government will not agree to that because the Labor Party wants to have this system in place so that it will have its candidates, its members and its union mates in local government before the next state election. Forgive me for being so suspicious and so cynical, Deputy Premier, but there can be no other reason. If the government is driven purely by its notion of this proposal, why do we not go on to deal with the next bill on the daily program, the Western Australian College of Teaching Amendment Bill, which is a very important bill? This local government bill is certainly not as important as the WACOT bill. The local government bill, in its purest form of changing a voting system, is not important at all. However, it is important if the Labor Party's intention is to have Labor Party candidates in place for the next local government election in October this year so that they can influence voting patterns going into the 2009 election.

Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

The ACTING SPEAKER (Mrs J. Hughes): Before we continue, I bring it to members' attention that this is not an opportunity to redebate the bill; it is an opportunity to go through the clauses and address each one in turn.

Mr G. SNOOK: I rise to debate the short title of the bill and to seek a response from the Deputy Premier about its name. Notwithstanding the last 10 minutes of debate in which we have discussed the short title of the bill and issues surrounding it, my concern is directly related to the title, what it says and what it means. For example, the definition of a bill should really outline exactly what the bill is. It says that it is an amendment, and I accept that. However, what is the amendment about? The title of the bill does not explain that. Let us look at other bills. Just last week, the Minister for Housing and Works, I think, read into the Parliament a bill which involves local government and which relates to smoke alarms. It was the Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007. I put to the Deputy Premier that the local government bill with which we are dealing is an important piece of legislation. It has been outlined clearly how important it is to local government by the number of responses that have been received from a wide range of local government authorities, including regional and remote authorities. I think one of the most remote authorities would be Sandstone - I stand corrected on that. However, councils of that ilk are well removed from metropolitan areas and, one would agree, are well removed from any so-called political influence by or political alignments to large metropolitan councils. We all know and agree that there is a degree of political influence in those large metropolitan councils. Therefore, there has been a broad range of responses in terms of the importance of this bill.

On the title of the bill, I ask the Deputy Premier: why is it that within the title itself there is not a bracketed description of exactly what the bill says? We are making a fundamental change to the way in which electors and ratepayers cast their vote and how the system works. That should be recorded in an appropriate way, I believe. I think there needs to be absolute clarity, so that when people read this bill, they know exactly what it means. When general members of the public who are interested in and who want to do research and find out what various amendments are, they usually go to the title, which gives a description of the provisions of the amendments. That is absent from this legislation. I am not saying that there is a conspiracy; I am simply saying that I believe there is an oversight. I back that statement by getting back to the fact that this part of the legislation was rushed. It was railroaded through. I mentioned in my second reading contribution that the government moved a total of seven pages of amendments to the bill because it had not been well prepared. I use the context of that argument to say that even the title is wrong. When this bill was in its entirety, it passed through this place and went to the other place. The other place determined to split it. Members on this side of the house asked for that to occur. That was based on the fact that there was not adequate consultation, and that was backed up by the fact that the upper house conceded that there was not adequate consultation. That was recognised. Therefore, the other place split the bill, so we now have two distinct bills. However, as far as I understand - I will stand corrected - they both have the same title. From a procedural and an accuracy point of view, I do not think that is right. I believe I have a very good point, and I seek a comment from the Deputy Premier to give credence to the points that I raise about the title. I would like to see in brackets a definition of what the amendment is about; that is, about the electoral procedures. Therefore, it should read something like, "This is the Local Government Amendment (Electoral Procedures) Act 2006."

Mr E.S. RIPPER: This is the traditional style for titling local government bills. That is the first point. The second point is that the bill was split in the Legislative Council, and it was given this title in the Legislative Council. Therefore, if there is a conspiracy on the title, it occurred on the floor of the chamber of the Legislative Council, which seems an unlikely place for a secret conspiracy to occur.

The matters canvassed by this bill were canvassed by the Local Government Advisory Board. They were the subject of a significant Western Australian Local Government Association public relations campaign, in which there was a lot of debate to and fro. They were the subject of hearings before an upper house committee. They have been the subject of discussions between WALGA and the government, and between councils and the government. I agree that there are probably still a lot of people in local government who do not support this legislation. However, the government has made a decision, and we have the support of the upper house on this matter - a place where we do not have a majority. It is now time to give local government certainty about the system that will apply. If we let this go and do not pass this legislation this week, if we let it sit until after the winter break, it will be August or September before the bill is passed through the house, and the local government elections are scheduled for October. Let us make it absolutely clear to local government what will happen. Let us pass the bill today so that local government, the Department of Local Government and Regional Development, and the Western Australian Electoral Commission can get on with preparing local government for the new system.

I will outline how we will do that. The Department of Local Government and Regional Development will develop software in conjunction with the Western Australian Electoral Commission. That software will be

Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

provided free to all local governments to assist with the count. The department will also undertake training sessions for returning officers around the state; it will undertake candidate information centres; a broad-based community awareness campaign will also be undertaken to publicise the new voting system; the department is publishing a series of bulletins to keep local government informed about these election issues; and the department will ensure that trained staff are available to support returning officers on election day. We have developed an implementation program in which the department and the state government will support local government to implement these measures. A key to the successful implementation of the new system is to establish certainty about it as early as possible. The government will introduce this new system. The remaining hurdle is the passage of this legislation in this house. The government has a majority in this house and it intends to pass the bill and provide that certainty to local government. I believe that once the system is in place, the people involved in local government will see the merits of it. I absolutely reject any assertion that it will politicise local government or create deal making; I think it will operate to the contrary. The Leader of the Opposition was a Minister for Local Government. He knows that if preferential voting is applied to multiple vacancies, it establishes a winner-takes-all system, which encourages tickets. We want to move to a preferential system, and it must be a proportional preferential system to apply that preferential system fairly when there are multiple vacancies; otherwise, it will result in unfair results.

Mr P.D. Omodei: Why do you get unfair results?

Mr E.S. RIPPER: If a preferential voting system is applied to multiple vacancies, any ticket with 50 per cent plus one could get all the candidates elected. That means that someone could take 100 per cent of the vacancies with just over 50 per cent of the vote, whereas under a proportional system, the proportion of candidates elected reflects the proportion of opinion in the electorate. I could go over and over these issues and repeat all the arguments I have used in the second reading debate and in the consideration in detail stage. I wonder how much repetition of the arguments the house needs.

Mr P.D. OMODEI: We certainly understand how the system works in this Parliament. If we delay the passage of this legislation, it means that we will sit longer. We just want the Deputy Premier to answer questions honestly and openly. I asked the Deputy Premier to think about delaying this legislation for this year or beyond the winter recess. He is right; if he did so, it would mean that the legislation would not get up in time for the next local government elections. What is so catastrophic about that? As I said, we have had first-past-the-post elections since 1997. What is the great danger of delaying this legislation? The Deputy Premier just talked about multimember vacancies and counting by proportional voting. We do not do that under the current system; we have a first-past-the-post system.

Mr E.S. Ripper: If we had a first-past-the-post system, we would have to have a preferential system.

Mr P.D. OMODEI: Currently, we do not have a preferential system. We have a system which everybody in local government likes and which is easily understood by the general community. I defy any councillor, chief executive officer or returning officer to clearly outline to ratepayers the proportional preferential voting system. Is it not important for the people who actually vote to understand how the votes are counted? I believe that is fundamentally important. By keeping the first-past-the-post system, the system remains simple and is very easily understood by the electorate. There can be no reason for the government to push this legislation other than for some political advantage. Local government does not want it and we are not seeing the electorate clamouring for a complex voting system. Why not keep it simple? The Deputy Premier has not answered the question about what tremendous damage will be done to local government and the community if we do not proceed with some alacrity on this issue. We should not introduce the new system until after the state election. We could then test the people. If the Deputy Premier is so confident that the proposed system is easily explained to the people, why does he not introduce it for the 2009 local government elections rather than the 2007 local government elections? If the Deputy Premier is right, the government's decision will be borne out. I do not think he is right. The ratepayers understand the current voting system and are comfortable with it. I do not think they will be comfortable with a proportional preferential voting system unless it is explained to them very clearly.

Mr E.S. RIPPER: The government honestly believes that this system has more merit than the existing system. That is the only reason why we have introduced this legislation. We believe that this system is better than the existing system. That is the beginning and the end of it. Based on its merits, we believe that this system is better. We believe that the system provides a better reflection of community opinion and of the diversity of community opinion than the existing system. That is why we support it. The Leader of the Opposition asked what harm would be done by delaying the bill and not introducing the proposed system until 2009. The harm would be that we would not have a better system than the current system until 2009, when we could have that better system implemented in 2007 if we just get on and pass this legislation. The opposition has basically said over and over again that it prefers the first-past-the-post system over the proportional preferential and voting system.

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If that is what it prefers, why does it support proportional and preferential voting in state and federal elections? If the public is comfortable with the voting system for the Senate and for the Legislative Council, why cannot the public be comfortable with the proposed voting system for multiple vacancies? If the public is comfortable with the voting system for the House of Representatives and the Legislative Assembly, why can it not be comfortable with the proposed voting system for single vacancies? It is not that difficult. We should just get on with it. The opposition can disagree with the government, but surely it does not need to disagree at length to make its point. It has made its point. The outcome is inevitable; let us get on with it.

Mr P.D. OMODEI: I thank the Deputy Premier for his explanation because at least he is being sincere about it. It is Labor Party policy and the Deputy Premier wants to implement Labor Party policy. However, this is not just about what the Liberal Party says; it is about what local government is saying. It is about what 90 local governments said during the period when they ran a campaign and it is about what 40 local governments said when they moved a motion of no confidence in the Minister for Local Government. Despite the partnership arrangement between the state government and local government and despite that the Deputy Premier says that the state government did talk to local government, the fact is that Bill Mitchell, who is the president of the major local government association - the Western Australian Local Government Association - received a phone call from the government about its decision after having read about it in the newspaper. If that is what the Deputy Premier calls a partnership and consultation with local government, I do not. We do have a difference of opinion. In the end, we will lose the debate; we can count. There are more members of the government than members of the opposition. However, that will not stop me from making my views very clear about what I think about this bill. I say that after having been involved directly in local government for 30 years in one way or another.

Local governments do not just move a motion of no confidence in the Minister for Local Government willy-nilly. Local governments have to work with the minister of the day. They want to have a collaborative and cooperative approach with the government of the day. They do not want to be at loggerheads with the government. When local governments come out and so strongly oppose a proposition - by the Labor Party in this case - it is our duty, as members of Her Majesty's opposition, to take up their cause and fight for that cause in Parliament. I do not shy away from that; that is what I am here to do. I will not go on any more about this; I accept the Deputy Premier's position. However, I must say that if the Deputy Premier is genuine about this legislation, what difference would it make to the Labor Party if it were delayed for one more local government term - two years? That would take us to 2009. In the meantime the Deputy Premier could go to local governments and show them the proof of the government's genuine desire to ensure that they would not be disaffected by this legislation. The Deputy Premier could say to the public and local government that he does not believe the legislation would introduce politics into local government and that it is the best system for counting votes in local government elections. That would then provide one more term to completely kill the argument about politicising local government, if it is found to be not a genuine argument, and the Deputy Premier would still get his way, albeit two years later.

Mr G. SNOOK: It was a couple of five-minute lots ago that I rose and asked the Deputy Premier a couple of questions.

Mr E.S. Ripper: Haven't I answered them?

Mr G. SNOOK: No. My question had nothing to do with the points raised by the Leader of the Opposition; it was about the title of the bill. The Deputy Premier will recall that I asked him to give consideration to the importance of this legislation, which will dramatically change the way in which local government elections are held. These voting provisions now form a separate bill. They were divided from the original bill that went from this place to the other place. My point is that we will see how dinkum the Deputy Premier is, because I ask: what is wrong with inserting two words in brackets into the title, as have been inserted in other local government bills, such as the Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill? It would clearly identify in the Local Government Act what this amendment is all about. I know that the Deputy Premier is committed to the bill; he has outlined that over and again. We on this side understand that, although we do not necessarily accept it. However, I propose that consideration be given to inserting in the bill by way of amendment "(Election Provisions)". I would like to hear what the Deputy Premier has to say on that proposition.

Mr P.D. Omodei interjected.

Mr G. SNOOK: I am prepared to move it as an amendment and I shall do so. I move -

Page 2, line 2 - To insert after "*Act*" -
(*Election Provisions*)

The ACTING SPEAKER (Mrs J. Hughes): Does "(No. 2)" remain in the title?

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Mr G. SNOOK: Yes. All I want is to simply insert exactly what I read out. I cannot see what is wrong with that. I say that it clearly identifies what this legislation is all about, so that the general public can clearly identify what it is about. Currently, the bill simply says that it is amending the act. Many amendments are made to the act. However, my point in moving this amendment is that I have seen many examples of amendments to legislation, particularly amendments to the Local Government Act, that have adopted such bracketed provisions in the title. This amendment would clearly identify the intention of this bill in making amendments to the act.

Mr E.S. RIPPER: The government will not support this amendment. As I explained previously to the house, this is the standard way of titling a local government bill. In any case, the title came from the Legislative Council.

Mr P.D. Omodei: Does that mean it is always right?

Mr E.S. RIPPER: No, it does not mean that it is always right.

Mr G. Snook: What's the problem?

Mr E.S. RIPPER: Thirdly, amending the bill will delay it, as it will have to go back to the Legislative Council. I want to get this bill through the house this week so that we can give some certainty to local government. Although I appreciate the arguments of the member for Moore, I believe it is an unnecessary amendment. Ultimately, this bill will amend the Local Government Act. It is the Local Government Act that people will consult, not the title of the bill that went through Parliament amending the Local Government Act.

Mr G. SNOOK: I can assure the Deputy Premier that I was not intending in any way to delay the bill.

Mr E.S. Ripper: I accept that assurance.

Mr G. SNOOK: That is not my style and it is not my intention. I just thought that when the upper house sits next week it could deal with the amendment. I do not know whether it would accept it, but it was not my intention to delay the bill; that did not enter my mind. I can look the Deputy Premier in the eye and say that genuinely.

Mr E.S. Ripper: I accept that.

Mr G. SNOOK: I just think that it needs to be done properly. The Deputy Premier will note that I have not debated at length all the points that have been made about the title. I have stuck with debating this point and this very issue. I just want to make that point.

Mr E.S. Ripper: I accept the reasons the member moved the amendment. Unfortunately, the government cannot support the amendment, but I understand the point the member is making. Perhaps the fact that he has made his point in *Hansard* will assist in achieving the objective he wants to achieve.

Mr G. SNOOK: I simply believe it needs identification; that is it. Clearly, the Deputy Premier is on a mission to ram through this legislation. That is disappointing now that I understand, because I genuinely did not, that this amendment would be regarded as a delaying tactic. However, I revert to the fact that this bill came into the Parliament from left field - or right field, to keep the balance in politics. As the Leader of the Opposition and I have highlighted, there was no awareness at WALGA's level that it was coming in. That is another point I want to place on the record. The Legislative Council is sitting next week and the government has the capacity with the numbers there to pass this bill, and I cannot see any reason that it cannot achieve in that place what this very minor amendment sets out to achieve.

Mr G.M. CASTRILLI: I genuinely say that I also do not want to hold up passage of this bill, but I support the member for Moore's amendment. I have to tell the Deputy Premier - I can show him my copy of the document - that I was also proposing to move an amendment. Instead of "(Election Provisions)", I would have inserted "(Politicisation)". However, I did not move that amendment, as I thought we would debate that matter this evening. As the member for Moore said, two other bills with brackets in their titles have been introduced into the Parliament recently - the Local Government (Miscellaneous Provisions) Amendment Bill and the Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill. I understand the Deputy Premier's explanation that sending the bill back to the upper house would delay the bill, but I am sure, with the Deputy Premier's powers of persuasion, there would be no hold-up there and it would quite easily go through the upper house next week. The proposed amendment would give a clear indication of what the bill is all about. It is such an important bill that people have the right to know in the simplest terms possible what the bill is all about. The Deputy Premier said that the government will make sure this bill goes through Parliament because the government knows best, against the tide of opinion in the community and especially that of the practitioners of local government. I do not think that people in local government are so stupid that they do not understand what is going on or that they believe that the Deputy Premier knows better than they. Bear in mind that when local governments were asked whether they wanted a proportional preferential voting system, 93 per cent said no. I support the member for Moore's amendment that we insert in line 2 after "Act" the words "(Election

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Provisions)" so that people can be exactly sure of what this bill is all about. That is all; it is not too hard a job to do. I do not think that the upper house will delay the bill next week. I am sure it will progress it quickly. I ask the Deputy Premier to reconsider and to support the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 2: Commencement -

Mr P.D. OMODEI: What is the time frame between the bill being proclaimed and the next local government elections? The clause states that the act will come into operation on a day fixed by proclamation. What is that proclamation date?

Mr E.S. RIPPER: In light of the new system, regulations must be drafted to prescribe the new form of ballot papers and the instructions that accompany those ballot papers. It is intended that those regulations be drafted soon so that the legislation can be proclaimed at the end of July. The regulations must be drafted before the legislation can be proclaimed. Provided that we can get sufficient drafting priority to get the job done, it is intended that the legislation will be proclaimed at the end of July. As I have expressed previously, if the bill is to be passed in time for the next elections, the earlier local government has the necessary information, the better. Presumably, it might be administratively possible to run it up close to the election. However, the shorter the period between the proclamation of the legislation and the election, the greater the risk of it not being implemented.

Mr P.D. OMODEI: I refer to the local government election process. I understand that a range of things must occur months before the election takes place, including consolidating the electoral roll and the calling of nominations. Can the Deputy Premier advise when the rolls are closed and whether this system will have any ramifications for postal voting?

Mr E.S. RIPPER: Having not taken an active interest in local government elections except as a voter, I have taken advice on these matters. I am told that the rolls close 45 days before the election and that nominations close 37 days before the election. Obviously, the regulations that govern the form of the ballot papers must be available at the time that nominations close. That would be a constraint. However, the object of the exercise is to get it done by the end of July.

Mr P.D. OMODEI: I refer to the regulations and to the tabling of those regulations. Can the Deputy Premier advise when those regulations will be tabled in Parliament and whether they will come into effect immediately after being tabled? I presume they would. Further, will they be subject to normal disallowance by Parliament?

Mr E.S. RIPPER: My understanding is that the normal scheme for regulations applies; that is, regulations take effect when they are gazetted and they are subject to disallowance. Given that Parliament as a whole - that is, the lower house, where the government has a majority, and the upper house, where it does not - will endorse this legislation, I very much doubt that the regulations will be disallowed. A disallowance motion may be moved, but I doubt very much that the regulations will be disallowed unless they are out of line with Parliament's expectations.

Mr P.D. OMODEI: The government has the numbers in this house so it would carry the day no matter how good the Deputy Premier's speech or the rationale put forward by the opposition.

Mr E.S. Ripper: That is one of the terrible things about being in opposition. I have been there and experienced that.

Mr P.D. OMODEI: The only difficulty with that is that despite the fact that we all think that we make brilliant speeches in Parliament, very few people listen to what we say. Is it true that the Legislative Council could reject the regulations if the opposition parties voted together?

Mr E.S. RIPPER: Given that they have a majority on the floor of the Legislative Council, if the non-government parties voted together, they could, conceivably, disallow the regulations. That would create an interesting set of circumstances because we would have a law reflecting a particular electoral system with the regulations prescribing the form of the ballot papers for the purpose of that electoral system disallowed by the Parliament. That would be quite a wilful act of legislative vandalism were that to occur. I do not think it will happen. I imagine that the opposition will not want to see that sort of disruption to local government elections. Even if the opposition were determined to throw that rather large wrench into the works, I do not think it would get the support of the other non-government party, because the other non-government party has supported this legislation and would, presumably, support the ballot papers required to implement it.

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Mr P.D. Omodei: I accept that. However, I am not aware of the Labor Party having approached local government before the election saying that it would introduce a new voting system. It might have been a part of its party platform. If it was, I do not know when it became a part of that platform. The Labor Party certainly did not make it evident that changing the voting system for local government elections was a part of its election platform.

Mr E.S. RIPPER: I think it is part of the Labor Party's platform.

Mr P.D. Omodei: How far back?

Mr E.S. RIPPER: The platform tends to be reconsidered at most conferences. It was probably recently reaffirmed, if not with debate, at least on the nod.

Mr G. SNOOK: Did the Deputy Premier say that the regulations have been drafted and that they are ready to go?

Mr E.S. RIPPER: They are in the process of being drafted. They are not available right now.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4.69 amended -

Mr P.D. OMODEI: Subclause (2) seeks to insert a proposed subsection (2) that states -

In any other case, an elector is to cast his or her vote by marking the ballot paper in accordance with regulations so as to indicate the sequence in which all the candidates named on the ballot paper rank in the order of the elector's preference for them.

I presume that ballot papers will be marked with numbers, rather than ticks or crosses.

Mr E.S. RIPPER: That is the intention. That is how this system will work.

Dr K.D. HAMES: I want to talk about how the system will work for nominating numbers. As the Deputy Premier is aware, under the state election system there is often confusion about what happens when the preferred candidate is marked with a 1 and the second candidate is not marked, or when there are multiple candidates and the first and second candidates are marked with a 1 and a 2 and the third and fourth candidates are marked with 3s, in which case preferences are counted for the candidates marked 1 and 2. What system will be in place for marking these ballot papers?

Mr E.S. RIPPER: I am advised that electors have to number all squares -

Mr P.D. Omodei: In sequence?

Mr E.S. RIPPER: - in sequence for their vote to be valid, except in the circumstances in which they fail to number the last square. If there were five vacancies and they marked 1, 2, 3 and 4 and did not fill in the last square with the number 5, that would still be a valid vote.

Dr K.D. HAMES: The Deputy Premier will be aware that that is quite often an issue when there are large numbers of Italian voters. The member for Ballajura is nodding. Those voters will almost always be of the understanding that if they put a 1, their candidate will get up. When there are two candidates and the preferred candidate is clearly indicated with a 1, surely that would be sufficient to indicate that that candidate is their favourite.

Mr E.S. RIPPER: If there were only two candidates on the ballot paper and one was marked with a number 1, that would be a valid vote. However, if there were three or four candidates and one of them was marked with a number 1, it would not be a valid vote.

Dr K.D. Hames: Even when there is only one vacancy?

Mr E.S. RIPPER: Yes. That is the way in which it operates for a House of Representatives ballot or for a Legislative Assembly ballot. If we wanted to, we could move in this state to the optional preferential system that applies in, I think, New South Wales and Queensland. I would be surprised if the Liberal and National Parties, given their normal cross-preferencing arrangements, supported optional preferential voting.

Mr P.D. Omodei: You couldn't do that in multiple-member vacancies anyway, could you?

Mr E.S. RIPPER: No, I do not think it could be done for multiple-vacancy elections, but I would have to reflect on that. However, it can be done for single-member vacancies. It is done in Queensland and, I think, in the New South Wales' lower house elections, but that is a whole new argument. To maximise the number of formal votes, I think we need the same system for marking ballot papers in state, federal and local government

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elections. If we gave voters the opportunity at local government elections to just put a 1, we would be encouraging them to just put a 1 at the next federal or state election. Consequently, people would needlessly miss out on their right to influence the result.

Dr K.D. HAMES: There is another situation with the state system that I would like to clarify. I will talk about a state government election first. If there is an independent candidate, people might put a 1 for that person and then a 2 for their second candidate, but mark both the Labor and Liberal candidates with a 3. My understanding is that for a single vacancy, when a voter clearly indicates his first and second preferences, and puts a 3 for both the third and fourth candidates, that is still a valid vote. Will that be the case here?

Mr E.S. Ripper: Although I have contested a number of state elections, that is an asserted subtlety of the state electoral system that has passed me by. I am advised that the member may be correct about state elections, even though it is not a widely known aspect of the system. I think we must keep drumming home the message to people that they must fill in all the squares in sequence, because if we give them any other advice, there is the danger that there will be a high level of informal voting. I think in the Belmont electorate for one election there was 11 per cent informal voting, and I find that alarming.

Dr K.D. HAMES: I imagine that that is because they did not want to vote for the Deputy Premier!

Mr E.S. Ripper: I have taken steps ever since to make sure that they know how to vote for me.

Dr K.D. HAMES: I understand that that is the case. If voters do not like the Liberal candidate, and they follow the independent's card, which puts the Labor candidate ahead of the Liberal candidate, or vice versa, obviously we would say that they should put a 1 and then a 2 and then a 3 and a 3. That vote would still count for that person, but the flow of votes would not go all the way down. I have also been told that it is illegal to tell people that and that the Electoral Commission can charge someone for telling people to do that. I would like to know whether that is the case, and it is unfortunate that the Deputy Premier cannot tell me.

Mr E.S. RIPPER: The Minister for Electoral Affairs was in the chamber a moment ago. He is responsible for the state electoral system and is probably well placed to answer that question. If he reappears, I suggest that the member jump up and ask his question again.

Dr K.D. Hames: Or the Deputy Premier could ask during the dinner break.

Mr E.S. RIPPER: I could.

Mr J.B. D'ORAZIO: I was going to be quiet on this legislation because I did not want to talk about these issues. However, I must rise and respond to some of the comments made by the Deputy Premier. Under the current system, voters can put a tick or a 1 -

Mr G. Snook: Or a cross.

Mr J.B. D'ORAZIO: Yes, or a cross, but a 1 is quite acceptable. When there are multiple vacancies, a voter can decide to vote for only one person and put a 1 next to that person's name and leave the rest of the boxes empty. It is mighty unfair. I have suffered at the hands of the preferential system when voters had to fill in all the squares. It was a bit hard to lose at the 1996 election because of the system whereby all the squares had to be filled in. I looked at all the ballot papers that had a 1 next to my name that were put in the informal pile because the other boxes were not filled in. I knew full well that I had won the election but I was not elected because I lost by 42 votes.

Mr E.S. Ripper: You've had an unlucky political life.

Mr J.B. D'ORAZIO: I know; it is bloody terrible, is it not? I reckon I should write a story about it and sell the rights.

Mr P.D. Omodei: I think somebody is giving you a message that maybe they don't want you here.

Mr J.B. D'ORAZIO: Thanks, Paul!

The ACTING SPEAKER: Order, members!

Mr J.B. D'ORAZIO: What the member for Dawesville said is absolutely correct. On their ballot papers voters can put a 1 and a 2 and then put 3s for the rest of the candidates. At the last election I found that, according to the state act, voters need only number each square; the act does not say that they have to be consecutive numbers.

Dr K.D. Hames: They have to have the 1 and the 2 first. Once they have the 1 and the 2, they're right. They can't just have 1 and then all 2s. I gather that doesn't count.

Mr J.B. D'ORAZIO: A strict interpretation of the act means that they just need to fill in the squares numerically. During my election, some of my scrutineers said that some of the votes were marked 1, 2 and 3 and

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then the rest of the squares were filled in with 4s, or even zeros, which was even more interesting. However, those votes were valid. I understand what the Deputy Premier is saying. I have a problem with proportional preferential voting for council elections, because all it will do is create mayhem. I said to my honourable colleague sitting next to me that it will ensure that every council in the state will have a split of Liberal and Labor candidates. Everyone says that there are no politics, but there are and everyone knows there are. That is the problem I have with the legislation.

Dr K.D. Hames interjected.

Mr J.B. D'ORAZIO: The value of each vote is a nightmare. No-one understands the system and it is a real problem. Everyone will get used to the system for local government, whatever that system might be. However, a couple of things need to be made clear. We must remember that council elections are voluntary, not compulsory. It is a bit different with compulsory voting, because some people do not give a damn. However, people who vote at council elections do so voluntarily, and if they have shown an intention to vote for someone, whether or not they fill in all the squares, that vote should be counted because they have taken the time to vote.

Sitting suspended from 6.00 to 7.00 pm

Mr J.B. D'ORAZIO: As I was saying before the dinner suspension, I was not going to say much on this legislation, but the Deputy Premier had made the point that he wanted to establish council elections on the same basis as state and federal elections by introducing proportional preferential voting. As the member for Dawesville indicated earlier, if a voter does not fill in the ballot papers in numerical order, that would not necessarily make the vote invalid; therefore, people do not need to fill in their ballot paper sequentially, but they need to indicate a number to make it valid. I have a problem because local government elections are voluntary elections. People do not have to vote. Council elections are different from state and federal elections, for which voting is compulsory; in other words, people are forced to vote. However, if, in a council election, whether by postal vote or in person, people clearly indicate that they want to vote for a particular person by writing the figure 1 next to the person's name, that vote should be valid. I understand that the system is in place, and it will not change. Nevertheless, I want to put it on the public record that that aspect of local government elections is unfair, especially given that people vote voluntarily. That person's vote should be counted even if not all the numbers are filled in on the ballot paper.

More importantly, because the government is of the view that federal, state and local government elections should follow the same system, this government should have introduced compulsory voting. That is the only fair way and it is the way for the future. This bill should contain a clause to introduce compulsory voting. I am glad the Leader of the Opposition is in here because he was the Minister for Local Government when what I call the scourge of local government was introduced; namely, postal voting. When he did that, I was one of those members of local government who opposed it, and I did so until the day I left local government because it was one of the worst things that could have happened to local government. I suggest that we do what the Leader of the Opposition did when he introduced postal voting. Rather than make postal voting compulsory, he gave councils the option of conducting postal voting. I suggest that the Parliament consider offering councils the option of introducing compulsory voting. It is optional for councils to use postal voting, so why not allow them to choose whether they want to make voting compulsory? The same trend that occurred at local government level with postal voting could happen with compulsory voting because compulsory voting provides the best turnout, which results in the best indication of whom people want as their elected representative.

Mr P.D. Omodei: Postal voting?

Mr J.B. D'ORAZIO: No; compulsory voting. As a Parliament, we do not want to force compulsory voting on councils, so we can make it optional, as with postal voting. Councils can then make up their own minds.

Mr G. Snook: You are not serious, are you?

Mr J.B. D'ORAZIO: Absolutely. The same thing would happen with compulsory voting as happens with postal voting. Most councils would end up using compulsory voting because it provides the best turnout and the best outcome. I realise that it will not occur under this legislation, so my talking about it is wasting time. However, I want it on the public record because it is important to consider whether, at some point in the cycle, local government elections in this state should become compulsory - and they should be.

What concerns me about this legislation is that people who vote at a non-compulsory election could have their ballot papers ripped up and thrown in the bin because they did not fill in all the squares, even though they have given a clear indication of who they want to support at the election by placing the figure 1 against whom they want. It is unfair for their votes to be discarded. We must remember that people will not be voting because they must but because they have chosen to. If they indicate a preference for a particular person, that vote should be counted. I have a problem with the legislation as it is. I understand that my suggestion will not be adopted, but

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it needs to be on the public record that there is a difference between federal and state elections and local government elections. Despite the Deputy Premier saying that this bill is to bring into line the three systems, the bottom line is that it is not compulsory to vote at local government elections; therefore, we cannot apply the same principles.

Mr P.D. OMODEI: I cannot believe what I just heard from the member for Ballajura. I am sorry we did not conduct an inquiry into the Town of Bayswater when I was the minister! I am sure the report would have been a best seller! How can he say that, on the one hand, if it is non-compulsory voting people should be able to put their vote in one square and that is okay, but that, on the other hand, if it is compulsory all the squares, I presume, must be filled in? Is that what the member is saying?

Mr J.B. D'Orazio: The argument made by the Deputy Premier is that the systems should be the same for each tier of government; however, voting in local government elections is voluntary. I am saying that if a voter indicates whom he wants elected, his vote should be accepted, whether he writes down 1, 2, 3, 4 or 5.

Mr P.D. OMODEI: I understand exactly what the member said. He said that, with non-compulsory voting, if a person indicates his preference by placing number 1 in a square, it should be regarded as a valid vote; however, it is not a valid vote if it is compulsory voting. Is that what he is saying?

Mr J.B. D'Orazio: I am happy for the system to change at all levels, but it will not.

Mr P.D. OMODEI: The member for Ballajura is really starting to show his colours. No wonder he is on that side of the house, even as an Independent. I do not know what will happen. Compulsory voting applies nationally and on a state basis right across the spectrum, so what does that mean? We compel our constituents to go into the polling booth to cast their vote, and if they do not vote we fine them. We say they must vote. Whatever happened to democracy in this country, the great free country that Australia is, where people have the right to establish themselves in society, to go into public life and do a range of things, yet they must vote? I will defend to the death people's right to not vote if they do not want to vote. What occurs in local government? Voting is not compulsory, so people need not vote if they do not wish to. I think that is ideal. Why should we herd people into polling booths? They would love to be home with their families. They may think their local councillor is doing a good job. They may say, "I don't want to vote; I think he is doing a good job, so I will stay home." If there is a 10 per cent turnout, does that mean the other 90 per cent are unhappy? It does not. It means a proportion of the 90 per cent are happy with the current situation. The real turnout may be 50 to 60 per cent of the vote. That terrible member for Warren-Blackwood when he was minister introduced postal voting! It was designed so that people could vote from the comfort of their living room rather than have to catch a bus or train and so that pensioners did not have to go and vote, or vote absentee. The penalties for breaching the regulations were quite severe. What happened with postal voting? Some of the people who did not vote were happy with the current situation, and some were apathetic, but there was a huge jump in voting as a result of postal voting. It was a very democratic system. I will tell members why we will get compulsory voting as a result of this legislation. It will happen because what the government is proposing is so complex and expensive that attendance at polling booths under proportional preferential voting will be driven down. That is why we will finish up with compulsory voting. Attendances at polling booths will be so low that the government will have to introduce compulsory voting. Although the member for Ballajura might move an amendment to introduce compulsory voting, I will not support it because of the principle that we should not be herding people into polling booths to vote to avoid having to pay a \$50 fine. I think that is terrible democracy.

The Deputy Premier was handling the bill before the dinner suspension, but I ask the Leader of the House: why can we not delay this legislation until the next election, given that the government thinks it is so important and non-political? What harm would it do? Why not have first-past-the-post voting for the next election so the Labor Party can prove it is not politicising local government?

Point of Order

Mr J.C. KOBELKE: Out of the generosity of my heart I have allowed the last two speakers to contribute something that is totally irrelevant to what is before the chamber. I have allowed members to express some views. We need to be mindful of standing orders and deal with the matter before the chamber. Clause 4 amends the section of the act relating to how to vote. The only matter members can deal with is the specific procedure related to the requirement to cast a vote. Any other matter is not before us and cannot be canvassed. I ask you, Mr Acting Speaker to rule accordingly and suggest that we come back to debating the matter before us.

Mr G. SNOOK: Further to the point of order, this is precisely what we are talking about, minister - how to cast a vote, the order of preference -

The ACTING SPEAKER (Mr P.B. Watson): The member should address the Chair when he takes a point of order.

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Mr G. SNOOK: Sorry. I apologise. Mr Acting Speaker, this is all about the clause itself - how to cast a vote and how candidates are placed on the ballot paper. The clause refers to "and only 2 candidates are named on the ballot paper". We are talking about preferences, so we are discussing section 4.69.

Mr J.C. KOBELKE: Section 4.65 is about the right to vote; section 4.66 refers to one vote for each elector; section 4.67 is about where to vote in person; section 4.68 is about when to vote; and section 4.69, which we are now seeking to amend, relates to how to vote. The section we are proposing to amend relates only to how to fill in the ballot paper. Mr Acting Speaker, I ask you to consider that in terms of how members might contribute in a productive way to dealing with this legislation and the clause now before us.

The ACTING SPEAKER: The point of order is valid. We have got to deal with each clause. Members should be very careful. I will be watching very closely to make sure we keep to the next amendment. I believe members have put across the point they wanted to raise and we should move on to the next clause.

Debate Resumed

Mr P.D. Omodei: By way of interjection, I put the proposition to the Leader of the House that to prove that the Labor Party is not doing this for political purposes, it should delay this bill until the next election.

Mr J.C. KOBELKE: That is an appropriate point to raise, perhaps on the third reading, but not while we are dealing with the specific clause.

Mr G.M. CASTRILLI: Proposed subsection (2) refers to regulations, which I understand are being drafted at the moment. Are they being drafted exactly like the state and federal regulations that relate to proportional preferential voting? If not, why not, given we are saying that we are following those procedures exactly?

Mr J.C. KOBELKE: My understanding from the officers is that the regulations are being drafted in accordance with the formal procedures that apply to commonwealth elections; that is, voters have to number in order of preference according to the number of candidates.

Mr G.M. Castrilli: Obviously regulations have been drafted for the state's lower and upper houses and also for the commonwealth, so -

Mr J.C. KOBELKE: No, we are dealing only with regulations that relate to the Local Government Act and the section that relates to elections.

Mr G.M. Castrilli: That is right, but we are talking about proportional preferential voting where there are two or more candidates. The same system may apply in the Assembly as in the upper house and the Senate. Are the regulations being drafted exactly the same as the regulations that pertain to the WA Parliament and the federal Parliament?

Mr J.C. KOBELKE: The explanation I can give the member is that those regulations will relate to such things as the instruction on the ballot paper. That is done by regulation. The instruction on the ballot paper will be to number the boxes adjacent to the names of the candidates 1 to 6, if there are six candidates. The regulations will specify things such as the printing on the ballot paper and those instructions.

Mr G.M. Castrilli: What I was getting at is if the new system proposed for local government will be the same as the upper house, the Senate and this house, depending on what we decide to do, and those regulations are in place, then surely the regulations that are being drafted should mirror those regulations exactly. I understand what the Leader of the House is saying about the voting instruction on the ballot paper, but I am assuming the regulations would be a mirror image, given we are talking about having the same system.

Mr J.C. KOBELKE: The point is to bring them into harmony, but the example the member gave shows the difficulty. The voting system for election to the Legislative Assembly in the Parliament of Western Australia is different from the voting system for the Legislative Council. We cannot say these regulations will be the same as those for the two houses, because they themselves are different.

Mr G.M. Castrilli: I understand the regulations for local government will be a combination of both. Obviously, regulations for both the upper and lower house have to be incorporated into these regulations.

Mr J.C. KOBELKE: I think it would be better to say there will be regulations where there is a single candidate to be elected. There will be a variation on those regulations where there are multiple vacancies to be filled, because it is a different counting system.

Mr G.M. Castrilli: I realise that, but it has to be a combination of the two, surely. That is what I am saying; it has to be a mirror image of those two systems.

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Mr J.C. KOBELKE: I think we are in fierce agreement.

Mr P.D. OMODEI: I accept the Leader's point of order. He is right; we do need to refer to the section.

I refer to clause 4(2), which inserts proposed subsection (2), which states -

In any other case, an elector is to cast his or her vote by marking the ballot paper in accordance with regulations so as to indicate the sequence in which all the candidates named on the ballot paper rank in the order of the elector's preference for them.

I seek the Leader's guidance. I think I have canvassed this matter previously. Am I right in saying that the regulations under this new act will do away with any reference to ticks or other marks, and will use only numbers?

Mr J.C. Kobelke: Absolutely. That is correct.

Mr J.B. D'ORAZIO: Just so that I can get it on the record, what is stated in proposed subsection (2) does not apply in a state election, because if one box is left blank -

Mr J.C. Kobelke: That is covered in proposed subsection (3).

Mr J.B. D'ORAZIO: Yes, but proposed subsection (2) provides specifically that all the candidates need to be ranked in order.

Mr J.C. Kobelke: That is correct.

Mr J.B. D'ORAZIO: In a state election, if a person marked the ballot paper 1 and 2, and then 4, 4, 4 and 4, that would be valid. However, it would not be valid in a local government election, would it?

Mr J.C. Kobelke: No, it would not be valid.

Mr J.B. D'ORAZIO: So, it is not the same.

Mr J.C. Kobelke: There is a technical variation. As I said earlier in answer to the member for Bunbury, this is in accordance with the commonwealth on that technical issue, rather than with the state.

Mr J.B. D'ORAZIO: So, if an elector leaves one box blank, the ballot paper would be invalid?

Mr J.C. Kobelke: No, it would not be invalid, because proposed subsection (3) allows for that.

Mr G.M. CASTRILLI: I seek clarification about proposed subsection (3). What will happen if there are two vacancies and six candidates, and preferences are indicated for all but two of the candidates?

Mr J.C. Kobelke: Are you referring to a situation in which there are six candidates, and the ballot paper is marked 1, 2, 3 and 4, and two boxes are left blank? Is that the case you are putting?

Mr G.M. CASTRILLI: Yes. If there two vacancies and six candidates, and two boxes are not marked, will the ballot paper be invalid?

Mr J.C. Kobelke: You are correct. Under the voting system that is laid out in this clause, the ballot paper will be invalid.

Clause put and passed.

Clause 5: Schedule 4.1 replaced -

Mr P.D. OMODEI: This clause is fundamental to the bill. This clause replaces schedule 4.1 of the act, which refers to the first-past-the-post voting system. I am delighted that the member for Churchlands is in the chamber. Member for Churchlands, I have been saying to the government that 93 per cent of people are totally opposed to this legislation to introduce proportional preferential voting for local government elections. If the government really believes that this new voting system will not be used to politicise local government - which is the accusation that not only the opposition, but also local governments, are making - it would delay the introduction of this legislation for one local government term; that is, until the 2009 state election. That would prove beyond doubt that the government is not trying to politicise local government. Five local government elections have been held under the first-past-the-post voting system, with no major traumas. We understand that it is Labor Party policy to introduce proportional preferential voting. However, if the government wanted to prove beyond doubt that it was genuine and was not trying to politicise local government, it would delay the introduction of this legislation for one term. I want the member for Churchlands to know the argument that we are putting to the government, so that when we consider subsequent clauses -

Dr E. Constable: Will you be moving an amendment along those lines?

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Mr P.D. OMODEI: We actually cannot do that. Perhaps we can oppose the bill at the third reading and suggest something along those lines. This bill has been sent to a committee of the Legislative Council. That committee recommended that the bill be split, which is what local government wanted. When this No 2 bill came back to the Legislative Council, the Greens voted with the government, and here we are. I believe that in repealing schedule 4.1, we are basically repealing the first-past-the-post voting system for local government. Even though that may be the government's policy, that is not what local government and the community want. The first-past-the-post voting system is simple; people understand it. When we get into subsequent clauses that deal with the creation of quotas and the distribution of surplus votes on the basis of diminished value, members will begin to understand the complexity of this legislation. Again, I challenge the Deputy Premier to bear in mind that there have been six Ministers for Local Government in seven years. This evening, two ministers have been handling the debate on this bill. I do not think either of those ministers has been involved in local government. Those ministers have obviously not spoken to local government, because, if they had, they would have a very clear indication from local government that this is not what local government wants for its constituents. Nine-three per cent of local governments are opposed to what the Labor Party is doing in this bill. In fact, 40 local governments moved a motion of no confidence -

Mr G.M. Castrilli: It is actually 41 per cent!

Mr P.D. OMODEI: There is a big difference between 40 and 41, I must admit! I do not want to devalue local government one iota. Forty-one local governments moved a motion of no confidence in the then Minister for Local Government. That is unprecedented in the history of Western Australia. I regret to say that the Labor Party wants to impose its will on local government and say, "We in the Labor Party like proportional preferential voting. We get a warm and fuzzy feeling when we think about proportional preferential voting. It has nothing to do with politicising local government." It is at about that time that the little pigs fly past!

Mr J.B. D'Orazio: In the split of the City of Perth, what was the rate of opposition, and what did you do about it?

Mr P.D. OMODEI: I would love to talk to the member at length about the split of the City of Perth.

Mr J.B. D'Orazio: Exactly! It was not 90 per cent. It was 100 per cent.

Mr P.D. OMODEI: It was the same with the split of the City of Wanneroo. If the Leader of the Opposition is so right and I am so wrong, why is it that they are not clamouring now to put the old City of Perth back together again? Why is it that the City of Joondalup and the City of Wanneroo are not clamouring to amalgamate again and become the old City of Wanneroo?

Mr J.B. D'Orazio: Because once it has been split, you cannot put it back together again!

Mr P.D. OMODEI: That is nonsense! We live in a very democratic society. If the City of Perth wanted to petition to amalgamate again, that could be done with the stroke of a pen. It would be very simple. Member for Ballajura, the fact of the matter is that they have not chosen to go down that path. In all my discussions with the City of Perth over the years on this matter, it was very happy with the decision that we made as a government.

Mr G.M. CASTRILLI: Can the minister confirm that under clause 5 of proposed schedule 4.1, the Western Australian Electoral Commission has been given the additional resources, and also that it has been given the appropriate software, to run those council elections?

Mr E.S. Ripper: I can say yes to both those questions.

Mr G.M. CASTRILLI: So, it has the software in place at this moment to run council elections?

Mr E.S. Ripper: That is being developed and tested now.

Mr G.M. CASTRILLI: It is being developed now?

Mr E.S. Ripper: Yes.

Mr G.M. CASTRILLI: It will be ready in time? It will not be like the shared services project?

Mr E.S. Ripper: I think it is a lot simpler than that!

Mr P.D. OMODEI: Can the Deputy Premier explain to the house why the old schedule 4.1, which deals with postal voting, will be repealed, and why a new schedule 4.1 will be inserted? Should the proposed clauses not be dealt with separately? The old schedule 4.1 deals with the voting system under the 1995 act. As a matter of fact, the new schedule 4.1 is quite comprehensive. I have the greatest respect for the parliamentary draftspeople and certainly for the departmental adviser, Mr Tim Fowler, whom I worked with when I was minister. However, clause 5 is a little tricky because there are so many things in it. The headings to the proposed clauses that this clause seeks to insert include "One office election: 3 or more candidates", "Count of first preference votes",

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“Exclusion of candidate and transfer of votes if vacancy remains”, “Further exclusions if necessary”, “Filling vacancy if 2 candidates have equal votes after a transfer” and “Procedure to determine excluded candidate if votes equal”. It goes on. Clause 5 is almost the whole bill; it contains 25 proposed clauses. I would have thought that if the government were genuine about introducing legislation that could be effectively debated in this house, it would have split that clause a number of times.

In the end, the opposition will vote quite strongly against this clause because it is so complex. I would defy anybody who does not have the instruction or advice of the officers of the department to explain parts of this clause. Mr Acting Speaker (Mr P.B. Watson), you are a very fine person from regional Western Australia, and such people have a few extra brain cells; however, I think the distribution of preferences under this system would challenge even your intellect. I would find it very hard to explain this clause to my constituents. That is the basis of my real opposition to this legislation; that is, we need to have a system of voting that the general public, from the butcher, the baker and the candlestick maker to the town rubbish collector and the town aluminium can collector, can understand. That is fundamental to the existence of people in local government out in the boondocks. Out there, people do not think about state or federal politics from one year to the next. I am damn sure, and am almost willing to put money on it, that they do not even know that Parliament is sitting tonight. Why would we introduce a system of voting that is convoluted and too complex for the local punter to understand when we could have a simple first-past-the-post system? When schoolchildren line up for the 100-yard sprint, the person who gets over the line first will win. It is that simple. Under the first-past-the-post system, the person with 15 votes will beat the person with 14 votes. Under the proposed system, if there were four vacancies and three quotas had been filled, somebody who had only one or two per cent of the vote could win the final vacancy. This is a convoluted, complex and weighted distribution system of voting that diminishes the value of votes. All the arguments that can be pitched against a first-past-the-post system are well and truly surpassed by the arguments against the system proposed in this legislation. Whether or not it is a better type of voting system, I defy the Deputy Premier to argue that it is simpler and better understood than a first-past-the-post system.

Mr G.M. CASTRILLI: It has been suggested that putting this new system in place will mean that election costs will rise. According to the Western Australian Local Government Association, it will cost local governments about an extra 20 per cent. That is not my figure; that has come from WALGA. Obviously, larger local governments will probably be able to deal with that extra cost because of the size of their budgets. However, smaller local governments are struggling now and will have to deal with that extra cost. Some local governments carry out their own elections while others, because of the complexity involved, get the Western Australian Electoral Commission to carry out the elections for them. Will the Deputy Premier confirm that the Electoral Commission will not charge local governments any more than what it would cost them for a first-past-the-post election?

Mr E.S. RIPPER: The election ballots will be counted using software that will be supplied free by the Department of Local Government and Regional Development to any local government that wants it. It will simply become a data entry task; the data from the ballot papers will be entered and the relevant buttons pushed to find out the result. That should not cause any extra difficulty for local governments, because they will be supplied with the free software and training by the Department of Local Government and Regional Development. I cannot see why there would be any additional cost for elections conducted by the Electoral Commission, because the Electoral Commission will also use software for the counting of the ballots. I am advised that the Electoral Commission has given a commitment that there will not be any extra costs for local government.

Mr G.M. CASTRILLI: If I heard the Deputy Premier right, he confirmed that local governments that currently carry out their own elections under a first-past-the-post system will not be burdened by any additional cost whatsoever by either carrying out an election themselves or getting the Electoral Commission to carry it out for them. Will the Deputy Premier confirm that there will be no additional cost to local government whatsoever under this new system?

Mr E.S. RIPPER: I am advised that local governments that now use the Electoral Commission system will not be charged any more. If they continue to use the Electoral Commission system, the new voting system will apply. Local governments that currently conduct their own elections will be given free software and training by the Department of Local Government and Regional Development. Of course, if those local governments shift from conducting their own elections to having the Electoral Commission conduct the elections for them, they will have to pay the fees that other local governments already pay.

Mr P.D. OMODEI: These issues were raised by local governments in their campaign. The Deputy Premier will recall the dozen or so claims made by Minister Ford at the time, which were described as myths by local government. They referred to the very things that the member for Bunbury just spoke about; that is, software

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and training. Some local governments will be able to conduct their own elections because they have the expertise and the staff to do that. However, others will draw on the expertise of the Electoral Commission, and that will cost them more than it currently does. The Deputy Premier suggested that local governments should not worry as the new system will not cost them any more, as software and training will be provided by the Department of Local Government and Regional Development. However, from where does the Department of Local Government and Regional Development get its money? It gets its money from the taxpayers of Western Australia, who are the very same people who vote in local government elections. The Deputy Premier should not give me the line that it will not cost anything. Of course it will cost something. Who will conduct the training? Where will it be conducted? Does the department intend to send a troop of people to the 112 local governments in regional Western Australia? What is the estimated cost of those kinds of things? Will seminars be held in regional centres?

Mr E.S. Ripper: That is what is going to happen; seminars will be held in regional centres.

Mr P.D. OMODEI: Seminars will be held in regional centres. That will still involve a cost to local government. It will take chief executive officers or returning officers away from their normal work so that they can be indoctrinated by the department in how the new electoral system works.

The Deputy Premier can tell the opposition not to worry because there will be a computer model in place and the figures will be put into it. Is it not fundamentally important that the people who are voting understand how the voting system works and what is a surplus vote and the transfer value of the vote? I do not understand that. I defy the Deputy Premier to tell me that the ordinary person on the street who is a local government voter, because he values what happens in local government and wants good governance in the community, should understand the voting system.

If we compare the proposed local government voting system with the first-past-the-post system, people will argue for the latter all the time. What will happen is that under a voluntary voting system, they will not vote. They will say, "Bugger the government. The Labor Party wants to politicise local government; therefore, I will not vote." The next thing that will happen is that the government will introduce compulsory voting. People will be herded into the polling booth to vote. They would not want to be issued with a fine for not voting because they might have kids at school and could better spend the \$50 for the fine elsewhere. That will be the only reason they will vote.

We must have a proper voting system for local government because people will altruistically want to do the right thing by the community. Why should we change the voting system? I again issue the Deputy Premier with a challenge: why does he not wait one more term? It will not affect the Parliament one iota if he said he agreed with the opposition that there is a concern that this legislation is being debated for political purposes; therefore, he will delay its passage through the Parliament until 2009. The public will then know what the government is proposing and that the change to the local government voting system is not being done for political purposes. Why does not the Deputy Premier say that? He should show a bit of faith. If it is Labor Party doctrine to introduce this legislation, why did the government choose to introduce it in 2007? Why was it not introduced in 2005, if it was so important? I do not trust the Labor Party. I believe this action is being put in place for the political purpose of having Labor Party people in local governments around Western Australia so that it improves the Labor Party's chances of winning the state election in 2009.

Mr G.M. CASTRILLI: Before the dinner adjournment the Deputy Premier referred to the training that will be provided. Would he confirm what training will be provided to the staff and councillors so that they will be au fait with the new system? What sort of information or education will the general public be provided with? Who will carry out this training? Will the Deputy Premier confirm that there will be no cost to local government whatsoever for the proposed training?

Mr E.S. RIPPER: The Department of Local Government and Regional Development will support local governments in the running of their elections. In conjunction with the Western Australian Electoral Commission, it will prepare software that will be provided free to all local governments to assist with the count; undertake training sessions for returning officers around the state; undertake candidate information seminars; introduce a broad-based community awareness campaign to publicise the new voting system; publish a series of bulletins to keep local governments informed about the election issues; and ensure trained staff are available to support returning officers on election day.

I have confidence that local government administrators will be able to implement this new election system. Essentially, if they are running their elections, they will be running them in the same way that they always have. When it comes to counting the votes, they will have a data operation to input the ballot papers into the computer system, and that will spew out the result. That will be all they need to do. If local governments do not want to

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do that, they can use the Electoral Commission, at no additional cost beyond what the Electoral Commission already charges.

The opposition argues that voters need to understand the system in order for it to be effective. We already operate this system for the Legislative Council and the Senate for multiple vacancies. Voters have been working with that system in the Senate since 1949 and the Legislative Council since 1987. Voters are well experienced with the system. Nevertheless, I am sure that some voters who actively participate in elections under our democratic system could not give a coherent explanation of how surplus votes are transferred within a proportional representation system. That does not stop the system being an effective representation of community opinion in the upper house and the Senate.

I really think that the opposition is clutching at straws. Its arguments are, to use the vernacular, "as weak as". We should get on with it. We have had the argument and the debate has gone backwards and forwards. The issues have been ventilated and we are starting to get into repetition. I appreciate that the Liberal Party opposes this legislation. I am sure it will be able to advise local government that it fought hard in the Parliament, but the government had the numbers and the government's view that this voting system is a better system prevailed. Members opposite should do that, because they have opposed the system. In the end, the Parliament will vote against the opposition, even though the government does not have a majority in the upper house.

Mr P.D. OMODEI: What an insult to suggest that members on this side of the chamber do not understand that this system of voting prevails in both the commonwealth and the state.

Mr E.S. Ripper: I did not suggest that.

Mr P.D. OMODEI: Very good, but the Deputy Premier just did that.

Mr E.S. Ripper: If I did say that, I did so inadvertently. I didn't suggest that you don't understand that.

Mr P.D. OMODEI: I will explain the reason that the Deputy Premier is wrong; that is, in all those elections, we vote for political parties. I agree that we vote for the candidate, but that candidate generally belongs to the political party. The opposition is trying to tell the government that it does not want political parties involved in local government. It wants people to vote for individuals.

The member for Ballajura made the point that people who are members of the Liberal Party, Labor Party, Greens (WA) and Independents are involved in local government. To my knowledge, at this stage, the Liberal Party has never, as a political party, endorsed a local government candidate.

Mr J.B. D'Orazio: They happen to be there.

Mr P.D. OMODEI: Everybody votes for one political party or another, irrespective of whether they vote in state, commonwealth or local government elections. They are yet to vote for the member for Ballajura.

I am trying to tell the Deputy Premier that he has completely missed the point; that is, this system of voting needs to be understood by people who vote in a local government election. It is the grassroots level of government; it is closest to the people. People vote on whether the council will build the roundabout, sportsground, community centre, swimming pool or road. They want a say in electing the person who will best represent their views. It is not about a political party; it is about an individual. This is where the Labor Party has it wrong.

For the benefit of the people in the gallery, I again put this to the Deputy Premier: if he believes that this proposed local government voting system is not politicising local government, let us not proclaim the legislation until the next government election. Allow the current voting system to prevail through to the 2009 election, which will be in October 2009. That will be proof positive that the Labor Party is not politicising local government. Is it not passing strange, that if we talked on this issue until tomorrow afternoon, the Labor Party would still want this legislation to go through? It would not be because it is Labor Party policy but because it wants the proposed system in place in time for the next local government election so that teams of people can run for the local government elections and then influence the 2009 state election. That is what this is about. It is dishonest. When 93 per cent of local governments in Western Australia say that they do not want this type of system -

The ACTING SPEAKER (Mr P.B. Watson): Leader of the Opposition, I have been very lenient, but you are drifting off the track again. We are talking about the clause.

Mr P.D. OMODEI: The clause contains 24 parts, Mr Acting Speaker. Which one would you like me to refer to, because all the things I have said refer to different parts? I am not about to canvass your ruling at all, Mr Acting Speaker, so I will refer to proposed clause 11(1) of the proposed schedule 4.1, which refers to surplus votes. Proposed clause 11(1)(a) states -

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the number of surplus votes of the elected candidate is to be divided by the number of first preference votes received by the elected candidate and the resulting fraction is the “**transfer value**”;

Can the Deputy Premier give me a case in point of how we get to that transfer value? It is not important that the computer model is there when information is put in by the returning officer, but it is important that people who vote in local government elections understand how the voting system, the transfer value and the surplus fraction work. I defy any member in this house to explain clearly a case of how that actually works.

The ACTING SPEAKER: If members want to have conversations, could they pop outside? I would like to hear what the Leader of the Opposition and the Deputy Premier are saying.

Mr E.S. RIPPER: I would have thought that two things would apply. Firstly, I would have thought that the proposed clause speaks for itself, and that any experienced legislator would be able to read the legislation and understand what it means. Secondly, I would have thought that someone who has risen to the position of the Leader of the Opposition would understand how the system of election works for the Legislative Council and for the Senate. However, as the Leader of the Opposition says that he needs an explanation, I will give one.

Mr P.D. Omodei: It is not for me, as I have explained before. The person who is voting needs to understand the system. I understand the system, but I think it is too convoluted and complex for the ordinary person.

Mr E.S. RIPPER: The operation of the system in the Senate and the Legislative Council shows that it works quite well, even though not all the voters understand how it works. All they need to understand is that it is necessary to number every square, and every decision they make to number one candidate ahead of another can count in the way in which the system works. The system works quite effectively in the Senate and the Legislative Council. Nevertheless, I will explain. The quota is determined by the number of vacancies plus one, which is divided into the total number of votes. If there are, let us say, three vacancies and 100 votes, the quota will be 100 divided by four, which is 25, plus one, so the quota will be 26. If the candidate secures a quota, he is elected. If the candidate receives more votes than the quota, the surplus votes are distributed to the next preference listed by the voter. However, only the surplus should be distributed, so that votes are not able to be counted twice. This is what limits the rewards for ticket voting and means that it is better than the present system so far as deal making and politicisation is concerned. Only the surplus is transferred, but which votes are transferred? What is done then is to transfer all the votes, but at a reduced value, reflecting the fact that only the surplus beyond the quota is being transferred. A voter might read *Hansard* and say that this is all double-dutch, but I think it is a reasonable explanation of how the system works. The important thing is that a voter should know how to fill in the ballot paper, and to number every square in the order of his preference. That is all a voter needs to know, and the system, which is tried and true - it works in the Senate and it works in the Legislative Council - will reflect the diversity of political opinion in the community and produce an outcome that is a mirror of the preferences of the community. We do not need to educate every single voter on how to operate a single transferable vote proportional representation system in a multiple-vacancy election. Probably less than a quarter of the community could actually give an account of how the system works.

Dr E. Constable: If they cannot give an account of it, they cannot understand it. Surely you should be able to explain it. They will not be able to do that.

Mr E.S. RIPPER: Yes, but I am saying that that is the situation in the Senate and the Legislative Council. The system has worked in the Senate since 1949, and in the Legislative Council since 1987. We are simply applying to local government a tried and true system that has operated successfully in state and federal upper houses. I really do not think it is anything like as difficult, awkward or troublesome as the opposition is making out. There is a natural fear of change, and the opposition is playing on that, and looking for every argument it can come up with that might justify its position. There is really not much strength to the argument. Local governments will be able to operate the system, or the Electoral Commission will operate it on their behalf. Once it has been running for one or two elections, everyone will be comfortable with the way in which it operates and understand the principles.

Mr P.D. OMODEI: Again, the Deputy Premier has missed the point. In a state upper house election or a Senate election, members of Parliament are being elected. Members of political parties are being elected. It does not really matter how surplus fractions or the continued transfer value actually come out. Members of Parliament are being elected. Under this proposed legislation, we are electing members of the community to local government. I see the Deputy Premier's adviser nodding his head. Of course he would nod his head, because he is part and parcel of the deal here. When I was the Minister for Local Government, I did not need a political adviser sitting in front of me.

Withdrawal of Remark

Mr Eric Ripper; Acting Speaker; Mr Paul Omodei; Mr Gary Snook; Mr John Castrilli; Mr John D'Orazio; Dr Elizabeth Constable; Mr Troy Buswell

The ACTING SPEAKER (Mr P.B. Watson): Excuse me, Leader of the Opposition, but saying that the adviser is here as part of the deal is very unparliamentary. Would you withdraw it please?

Mr P.D. OMODEI: Certainly, I apologise if there was any implication of a deal.

The ACTING SPEAKER: Would you withdraw that please?

Mr P.D. OMODEI: Of course I withdraw, Mr Acting Speaker, and I apologise to the Deputy Premier's adviser if he took offence.

Debate Resumed

Mr P.D. OMODEI: When I was the Minister for Local Government, I did not need a political adviser sitting at the table with me. I had my people from the Department of Local Government and we understood what we were putting forward under the legislation. The Deputy Premier explained the surplus votes and the transfer value quite well. His next test is to explain to the house the surplus fraction and the continued transfer value. We are part of the legal system in this place, with the legislation that we consider. Second reading speeches of legislation are used in courts of law to determine what the legislation actually says, so I would expect the minister of the Crown who has carriage of this legislation to understand it to the letter of the law; to the last comma and full stop. The person asked to explain the difference between first-past-the-post and proportional preferential voting will ask what proportional preferential voting is. However, when asked what first-past-the-post is, he will understand that it is where a person gets one vote more than the next person and wins. It is like the hundred-metre dash at the school sports carnival. The person who gets across the line and puts his nose through the tape first wins. The Deputy Premier knows that, under the kind of system proposed by this legislation, there are case histories of problems. I refer the Deputy Premier to the situation in the Mining and Pastoral Region three or four elections ago, when a Liberal member of Parliament was defeated by somebody who got about 10 or 15 per cent fewer votes than he got. The Deputy Premier might remember Hon Greg Smith. We actually considered taking that matter to the Supreme Court. We were in opposition and because it was going to cost the political party \$150 000 to do so, we chose not to and he lost his seat. It was interesting that very soon after that case, the Electoral Commission changed the legislation dealing with the transfer of vote values. Greg Smith, who was a sitting member of Parliament, lost that election because the opposition did not have the wherewithal to take the case to the courts. I repeat: it was interesting that the legislation changed slightly just after that.

We are not talking about party politics, we are not talking about the Senate and we are not talking about the Legislative Council. We are talking about a system of voting that mirrors that but is being applied to local government. It applies to the election of a little person who represents his or her community and district. That is the big difference. There is no doubt in my mind that once political parties get involved in this process, they are far more organised than the little person who does not belong to any political party, who could not give a damn and who is in power but just wants to represent a small section of the community. That person will not have a chance in hell because the political parties are far more organised.

Dr E. CONSTABLE: I was listening quite carefully to what the Deputy Premier was saying. I have some questions for him to make sure that I understood what he was saying. Was he telling us that this system works because it is tried and true and works in the Senate and the Legislative Council? Did he say something like that?

Mr E.S. Ripper: I did say something like that.

Dr E. CONSTABLE: So I understood that. Is the Deputy Premier also telling us that it works because people know how to fill in the ballot paper?

Mr E.S. Ripper: That is the first essential that needs to happen - people know how to fill in the ballot paper.

Dr E. CONSTABLE: That is why it works. That is why the Deputy Premier was able to say that it is tried and true - if people know how to fill in the ballot paper. I have mostly put the figure 1, 2, 3 or 4 in the boxes of the ballot papers that I have filled in. For people like me who are voting for people standing for the Senate, trying to fill in every square is quite difficult if there are 47 of them. I would put the figure 47 next to the candidate that I would want to come last and then try to fill the rest in. It is actually quite difficult. Then the Deputy Premier said - I think this is what he said - that he would be surprised if 25 per cent of people would be able to explain what it is all about.

Mr E.S. Ripper: I said I'd be surprised if 25 per cent of people could give an account of how the system actually works.

Dr E. CONSTABLE: So they can fill in the ballot paper but they do not really understand what they are doing - is that what the Deputy Premier is saying?

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Mr E.S. Ripper: No, they understand what they're doing but they can't explain exactly the mechanics of how the voting system works.

Dr E. CONSTABLE: So they do not really understand what is going on. I think that is what the Deputy Premier is telling us. People can put the numbers 1 to 10 in boxes so the system works, but they do not really know what it is all about. I would venture to say that people really do not understand it. The Deputy Premier is telling us that by saying he would be surprised if 25 per cent could explain how the system works. If people cannot explain what they are doing, they do not understand what they are doing. There is a lot to be said for what the Leader of the Opposition said. The Deputy Premier is playing with words, saying that it works because people fill in the ballot paper, but they really do not understand because they cannot explain what it is all about.

Mr E.S. Ripper: Would you like to go to first-past-the-post for Senate elections and upper house elections? Is that what you're arguing?

Mr P.D. Omodei: That's different.

Dr E. CONSTABLE: I agree with the Leader of the Opposition; it is different. An upper house in the Parliament is very different from electing councillors in a ward. It is like comparing apples to oranges; we really cannot compare them. I think that is where the Deputy Premier's argument falls down.

Mr E.S. RIPPER: There is a difference between people understanding what they are doing and how to vote effectively and formally and people understanding how the voting system really works in its detail and being in a position, if they were asked to, to run a count for that particular method of election. As long as people understand that they need to number every square on the ballot paper in order of preference and that the order in which they list their preferences beyond number 1 can have an important influence on the election, the electoral system can work. They understand what they are doing. They might not necessarily be able to give an account of how their preferences are translated into the result, but if they understand that their preferences do count, that is the important thing. There is evidence that voters do vote tactically in upper house elections. We get circumstances in which people vote for one of the major parties in the lower house election because they want to make a decision about which party is going to be in government and they vote another way in the relevant upper house. People do understand how their vote can help to produce the situation that they want, particularly a situation in which there are checks and balances. To demand that, for local government elections, people have a much better understanding of the way the electoral system works than they need to for state and federal elections is to ask too much of the voting system and requirements for local government voters.

Mr P.D. OMODEI: The member for Churchlands has touched on a very important point. When people are voting in a state or commonwealth election, they are voting for a political party and they have a how-to-vote card. That political party has indicated to the Electoral Commission where the preferences are to be distributed. The numbers below the line are designed so that when a voter puts number 1 in the box above the line, he or she is electing the party of his or her choice and giving it the best chance. Johnny Brown is the champion footballer in the local team, his wife is the netball coach, he has never known anybody from the Labor Party, the Liberal Party or the Greens party and he wants to stand for election. If we apply the same system to local government, what chance does Johnny Brown have when he stands against the forces of political parties?

Dr E. Constable: Not much.

Mr P.D. OMODEI: Yes. Not much.

Mr E.S. Ripper: He doesn't need to get 50 per cent of the vote plus one. What he needs to get for a multiple-vacancy election is a quota. That's actually a lower threshold.

Mr P.D. OMODEI: This is where the Deputy Premier missed the point. It is not the quota that counts. If he gets a quota, he is home free. It is unlikely he will get a quota in the main against an organised political party structure. He will be in that bracket of people where there is no quota. The last quota in which the preferences are distributed is based on the surplus fraction and the continued transfer value. That is where he will get up. He might as well go and buy a Powerball ticket. The only chance he has to win a seat is in a raffle when it gets to that stage of counting the votes. Everybody here should know that because they are all members of Parliament. When it works in the political system, it is based on quotas, political how-to-vote cards and organised political parties. I believe that this bill will disenfranchise the ordinary common person who does not want to get involved in the political system. He wants to make his mark and be the honest broker - the independent person who wants to do something for his family and make his contribution to local government. I do not care what the Deputy Premier says because the more I hear, the more convinced I am that this whole exercise is for a political purpose; that is, to improve the Labor Party's chances of winning the election in 2009. It is as simple as that.

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Mr J.B. D'ORAZIO: I was not going to speak again; I promised that I would keep my mouth closed, but I cannot allow the Leader of the Opposition to say that. The current system is exactly what the Leader of the Opposition is talking about.

Mr P.D. Omodei: Where?

Mr J.B. D'ORAZIO: If a multiple-vacancy election were held today, it would be under a system in which strong candidates from the Liberal Party or the Labor Party lock out everyone else. Although an individual may run, if two candidates from one party also run, they lock out the little fellow. This new systems dilutes the ability of political parties. What we will get - which I have a problem with as I have come from local government, just like the Leader of the Opposition - is a system that allows both political parties to have representation. Whether the Leader of the Opposition likes it or not, most councils in the state have politics in them and the two major political parties are always going to get one candidate each and the little guys will have trouble getting up. It will not be as bad as the current system, but there will still be a problem in the little guy getting up. That is not right. The thing I really get hot under the collar about in this system is that if there is to be proportional preferential voting, there should also be the ability for a voter to mark 1 next to a block ticket and for that person to indicate his preferences. It will be a nightmare. For example, take the City of Perth. Seven or eight candidates will be elected on one election ballot paper. They will end up with 25 candidates. Just filling in the ballot paper will be an exercise in itself.

Mr P.D. Omodei: Forgive me for asking, but how long have you been an Independent?

Mr J.B. D'ORAZIO: A long time.

Mr P.D. Omodei: Not that long. I am surprised that you have not influenced the government along those lines.

Mr J.B. D'ORAZIO: I am having a go at the Leader of the Opposition because he stood and made the comment that this system will make things worse. I am telling him that this system is fairer than the current system that is in place, which makes it very difficult for a little guy to beat the system. People who are organised under the current system with two ticks make it almost impossible for the little guy to get up.

Mr G. SNOOK: I had the wonderful fortune to spend 24 and a half years in local government; including 17 and a half years as president. I also had the fortunate experience to be involved in a fairly remote rural council in which there were no party politics.

Mr J.B. D'Orazio: Because you were all conservative!

Mr G. SNOOK: No, the member is wrong.

Mr J.B. D'Orazio: There was no politics because they were all Liberal!

Mr G. SNOOK: No, the member is wrong because we never discussed politics. We did not know what the political leanings of the councillors were.

Mr M.P. Whitely interjected.

Mr G. SNOOK: We were probably more successful in my council than some of the larger metropolitan councils.

The ACTING SPEAKER (Mr P.B. Watson): The member for Moore should return to the topic. Member for Bassendean -

Mr P.D. Omodei: Pull your head in!

The ACTING SPEAKER: Order! Leader of the Opposition, I will make the comments thank you.

Mr G. SNOOK: I thank Mr Acting Speaker for his protection!

I agree with the member for Ballajura in this instance. Without a doubt this system will drive the need for a vote-above-the-line arrangement. I guarantee two things will happen. Once this legislation is passed, there will be amendments to the effect that there will be a need for compulsory voting. Do members know what will happen? People will vote who will not have a clue about how this all works in a complicated scenario, particularly if there are 10 to 15 candidates to vote for. There may or may not be political ticket arrangements or alliances. There might be a "Stop the bowling club" or "Stop the rec centre" alliance, which happens a lot in large and small councils. There could be ticket alliances. If the local authority is large, it is not likely that the electors will personally know the candidates. Indeed, it is highly unlikely. However, in the bush, that does happen because in small country shires people know each candidate. Probably almost every elector would personally know each candidate. As such, they do not get into the question of alliances or party politics. It will drive the need for compulsory voting. We should watch the percentage of voter turnout without compulsory

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voting - it will go down. The other thing that will happen - which is what the member for Ballajura was talking about - is that there will be a vote-above-the-line system. That is the difference. I think the member for Churchlands highlighted that.

A federal election will be held shortly. A lot of people do not want to vote above the line; a lot of people want to fill out personally their preferences. Unless people are well armed, are prepared and have done their research, they will have to be very careful because they can easily stuff up their vote. The vast majority of people place a 1 above the line. If we are to have these elections in the metropolitan area, then, as the member for Ballajura said, there could be 24 candidates for two positions.

Mr J.B. D'Orazio: Six or seven positions.

Mrs J. Hughes interjected.

Mr G. SNOOK: There is that opportunity.

Mrs J. Hughes: In a ward there can be three, four or even eight candidates.

Mr G. SNOOK: There can be multiple candidates for multiple seats.

Mrs J. Hughes: In a ward system it is less likely.

Mr G. SNOOK: It does happen. In the sticks where I come from, five or six people have stood against me for one position.

Mr T. Buswell: You had upset them all!

Mr G. SNOOK: Yes, but I knocked them off and I did not run for any political party.

However, the point is that it is wrong when the Deputy Premier says that people will get more say. That is a fallacy. People will not get more say. It will not be reflected that they get more say. Political parties, alliances or groups or anti-this or anti-that will get more say and have more influence because they will organise themselves. People either want the swimming pool or they do not. That is a classic. Recreation centres and other large budgetary ticket items are classic examples. We will eventually come to realise that people will vote 1 above the line and it will be a nonsense.

Mr G.M. CASTRILLI: I refer to the definition of "total vote" contained within proposed schedule 4.1, which states -

"total vote" means the total number of all the first preference votes received by candidates.

What is the final vote? Is it the total vote received for an individual candidate after preferences have been distributed? The definition refers to the total number of all first preference votes. I am referring to the definitions on page 3 of the bill. What is the total vote?

Mr E.S. Ripper: Essentially, it is the number of ballot papers.

Mr G.M. CASTRILLI: Yes, but it refers to "all the first preference votes".

Mr E.S. Ripper: Every formal ballot paper will at least have the number 1 on it. Essentially, "total vote" means the total number of formal ballot papers.

Mr G.M. CASTRILLI: Is it the first preference votes? What do we call the total number of votes after all the distributions have been done? Where does it give a definition for that?

Mr E.S. RIPPER: Where is it mentioned in the legislation? If the member wants me to produce a definition of final vote, he had better refer me to where final vote is mentioned in the legislation. If it is not mentioned in the legislation, why would it require a definition?

Mr T. BUSWELL: I require some clarification. I refer to clause 12(1)(b) of proposed schedule 4.1, which states -

in relation to any particular ballot papers for surplus votes of the elected candidate, the surplus fraction is to be multiplied by the transfer value at which those ballot papers were transferred to the elected candidate, or by one if they expressed first preference votes for the elected candidate, and the product is the **"continued transfer value"** of those particular ballot papers;

Mr E.S. Ripper: Do you mean that you do not understand that?

Mr T. BUSWELL: Well, no.

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Mr E.S. Ripper: You are an educated man, but you don't understand it?

Mr T. BUSWELL: I am glad the Deputy Premier has acknowledged that.

Mr E.S. Ripper: You are a legislator of some experience and you don't understand what that means?

Mr T. BUSWELL: Not exactly, so I am wondering whether the Deputy Premier could rise to his feet -

Mr E.S. Ripper: I think you should exempt yourself from voting on this legislation. You should not vote on something you do not understand!

Mr T. BUSWELL: I will tell the Deputy Premier what I will do. If he explains it to me, and if I then understand it but had not prior to his rising to his feet, I will leave the chamber and not participate in the vote. If he can stand up and explain it to me with clarity, I will happily sit down. All I want is a very simple example of what the hell that means.

Mr E.S. RIPPER: It is clear that the opposition wants to have some fun with this clause.

Mr T. Buswell: No; I just want to know what it means.

Mr E.S. RIPPER: I do not think that is a genuine query.

Mr P.D. Omodei: I want you to explain it.

Mr E.S. RIPPER: I have given an explanation of how the surplus is distributed.

Dr E. Constable: You know all about surpluses, don't you?

Mr E.S. RIPPER: Regrettably, and they are not well distributed.

Mr T. Buswell: No; straight into that pocket. At last you have admitted it; you have stuffed the surplus into your undies!

Mr E.S. RIPPER: I thought the member for Churchlands was making a more personal comment than she really made. I need a little run free of interjections to explain this.

The ACTING SPEAKER (Mr P.B. Watson): We were having a very good debate until the member for Vasse walked into the chamber.

Mr E.S. RIPPER: I was explaining how -

Mr T. Buswell interjected.

Mr E.S. RIPPER: If the Deputy Leader of the Opposition really wants me to explain it, he must give me a run on it. I was explaining how a candidate is elected when he achieves a quota. If the candidate has more votes than the quota, that surplus is distributed. However, because we cannot pick and choose which votes for the candidates will actually be distributed, all of the votes are distributed, but at a reduced value to reflect the fact that, in principle, only the surplus is being distributed. What happens if a candidate already has some of those reduced-value votes in the quota and the surplus? Two calculations must be conducted: first, all the votes must be distributed according to the proportion, which is merited by the surplus. If some of those votes are below the value of one, they cannot be distributed as though they had already the value of one. Therefore, this calculation must be conducted to develop the continued transfer value. It is really just the next stage. When a first candidate is elected and there is a surplus, all the votes are transferred at a reduced value to reflect the size of the surplus compared to the candidates' total votes. If a candidate has a surplus at subsequent elections, but the quota and the surplus together include some of those reduced-value votes that have flowed from earlier distributions, the same calculation must be applied to get the transfer value as was applied in the first case, but, obviously, when some votes are already valued at less than one, they cannot be transferred as though they began with a value of one. It is not quite as clear an explanation as I was able to give for the first one because it is a more complicated issue.

Mr T. Buswell: If there are seven candidates for six positions, we could end up with a hugely complex calculation. Effectively, that last distribution could be valued at a fraction of a fraction of a fraction to the fifth degree.

Mr E.S. RIPPER: It is a complicated system.

Dr E. Constable: That is why voters will not be able to explain it.

Mr E.S. RIPPER: Voters do not have to explain it. It is a complicated system. Let us just look at it this way: we have a choice. We can go for the simple system, which is first-past-the-post or we can go for the more complicated system, which is proportional preferential voting. We could choose the simple system because we

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like it and understand it. However, first-past-the-post can mean that, in a single vacancy election, someone can be elected with 30 per cent of the vote. Four or five candidates would be elected with 30 per cent of the vote, not with 50 per cent. The majority of the population might hate them but they can still win in a first-past-the post election. When there are multiple vacancies, first-past-the-post produces a winner takes all outcome. A ticket that can get together 50 per cent plus one of the vote can take 100 per cent of the vacancies. I do not think it is good in a single-vacancy election for someone to be able to win when the majority of the population would prefer another candidate. I do not think it is good in a multiple-vacancy election that a team can win and take 100 per cent of the elected positions with just 50 per cent plus one of the vote. First-past-the-post might be a simple system, but it produces unfair outcomes. This system is more complicated, and much more difficult to explain, but it produces fairer outcomes reflective of the diversity of opinion within the community, and that is why we should go for it.

Mr T. BUSWELL: The Deputy Premier just mentioned that in a first-past-the-post system, a person could be elected with 30 per cent of the vote. Heaven forbid!

Mrs J. Hughes: Or less.

Mr T. BUSWELL: It might be less or it might be more. The Deputy Premier went on to say that, under the model he has just proposed with a surplus fraction and the continued transfer value of that surplus fraction, as I best recall him saying, that surplus fraction is transferred at a decreasing rate, depending on how many times it has been transferred. A person could be elected with one per cent of the vote, provided enough of the surplus fraction was applied at a continuous transfer value to let them over the loop. I want to clarify this for my own mind. I come from a local government era when first-past-the-post seemed to do everyone nicely. Little wonder local government in general wants to keep that system. Is it better that a person can be elected on votes transferred from others, albeit with the application of this continued transfer value, even if the person gets only one or one and a half per cent of the primary vote than someone who gets 30 per cent because that person is less hated - is that the term he used - or less disliked? I am struggling with that.

Mr E.S. RIPPER: The more the member for Vasse participates, the more I am reminded of his conspiracy with Noel Crichton-Browne to stack the elections at the Shire of Busselton. I am tempted to go into further explanation of how that worked. Was it not the case that the member for Vasse publicly opposed the Smith's Beach development and then conspired with Noel Crichton-Browne to help him get councillors elected to the Shire of Busselton that would support the development? Is that not the case?

Point of Order

Mr P.D. OMODEI: We have heard all this before. The Deputy Premier knows it has nothing to do with clause 5 of this bill that we are debating. I ask you, Mr Acting Speaker (Mr M.J. Cowper), to call the Deputy Premier to order. I think we have been very fair and the Acting Speaker has called us to order when we have strayed from the path. The Deputy Premier is well and truly straying from the path.

The ACTING SPEAKER: I am sure the Deputy Premier has enjoyed engaging with members on my left, but I ask him to keep the subject narrow and we might get home tonight.

Debate Resumed

Mr E.S. RIPPER: Mr Acting Speaker, I always enjoy engaging with members on my left!

The member for Vasse was previously a member of the Labor Party and, as I understand it, a member of the centre left faction of the Labor Party. Regrettably, he was once both a party and a factional colleague, which is a terrible thing to contemplate!

Mr G. Snook: You must have put him off.

Several members interjected.

The ACTING SPEAKER: Order!

Mr E.S. RIPPER: Let us come back to the point made by the member for Vasse. The point I was trying to make, perhaps not as well as I could have made it, is that in first-past-the-post systems, with a single vacancy, someone hated by 70 per cent of the population can still be elected if there are a number of candidates in the field. A proportional preferential voting system will ensure that the candidate who is most preferred by 50 per cent, plus one, of the voters will prevail over candidates who are least preferred. If members want to know how a first-past-the-post system works, they need look only at the British system, under which some people routinely win, even though, on closer analysis, it could be said that a majority of the electorate would have preferred another candidate. It is a complicated system to explain, but it produces a fairer result than the first-past-the-post system. The opposition has argued throughout this debate, despite the various comments that I

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have made, that this new system will promote parties and tickets. However, because only the surplus beyond the quota can be transferred under this system, there will actually be less reward for ticket making and party operations than under the existing system. If a system delivers a candidate 100 per cent of the result, with 50 per cent, plus one, of the vote, that is a system that favours tickets and parties. If a system allows the transfer from the successful candidate of only the surplus to the quota, and not the whole vote, that is a system that provides less reward for ticket making and party operations. I do not think I can do much more to persuade members opposite of the advantages of this new voting system. The result for councils will be fewer monolithic structures, and greater diversity, thereby ensuring that councils are better able to reflect community opinion. It may be the case that there will be some different voices and some different faces on councils as a result of this system. However, that will reflect opinions that have gained sufficient strength of support from the community to muster a quota, once all the preferences have been distributed within this electoral system. It is not an easy system to explain. The opposition has been able to demonstrate to me that there is some difficulty in explaining exactly how this new system will work, although, if I had a better class than the opposition currently constitutes, I might have had more success with my explanation!

Mr T. Buswell: Bring back the cane!

Mr E.S. RIPPER: That is what I would like! Nevertheless, this is a fairer system that will produce a better result than first-past-the-post.

Mr P.D. OMODEI: The Deputy Premier has tried very hard to explain. I concede that there is no perfect voting system.

Mr E.S. Ripper: That is right. I agree with you on that.

Mr P.D. OMODEI: That applies whether it is multimember proportional, or optional preferential, or whatever. The important thing in this debate is that 93 per cent of local governments prefer the current voting system. The Deputy Premier is ignoring that. However, the Deputy Premier is right in saying that under first-past-the-post, someone with 15 per cent or 30 per cent of the vote can win a seat. Just to get back to multimember vacancies under the exhaustive preferential system, one case in point is the Shire of Wiluna. When the Shire of Wiluna was split in two and the new council came up for election, there were two teams. I think some of the members on one team did not even vote for themselves; they just voted for their champion, and once that person got up, he carried through all the other members. That is one example of how the system can be rorted by people who organise themselves to obtain a certain outcome.

However, the Deputy Premier has not convinced me that people will be able to understand the new voting system that he is proposing for local government. I asked the member for Vasse to ask that question about proposed clause 12, because -

Mr E.S. Ripper: I saw you ask him! You asked him to ask me whether I could explain it! I heard exactly what you said!

Mr P.D. OMODEI: Yes, that is right. I said, "Ask him about that, because I don't think he knows what he is talking about"!

Mr E.S. Ripper: I do know what I am talking about.

Mr P.D. OMODEI: The member for Vasse is quite right in what he said about the surplus fraction and the continued transfer value under a proportional preferential voting system, with a large number of candidates. Again, I would not mind what the government is proposing if the general public understood what it meant. However, the general public does not understand, and it will not understand, because the system is too complicated. The people who are involved in political parties, and who understand how the Legislative Council and the Senate system work, will be the only ones who may have a reasonable understanding of this new system. I would say that more than half the members of this Parliament would not be able to explain this type of voting system to a constituent and have that constituent understand what is being proposed. I return to my original argument. It is fundamentally important that grassroots members, particularly in a local government scenario, who are electing not members of Parliament and members of political parties, but individuals to represent their community, understand the voting system that is in place. The Deputy Premier has not convinced me that he would be able to explain this system. I understand this proposed system reasonably well. However, I think I would have difficulty explaining it to most people who are seeking election to local government. Those people will be intimidated by organisations and parties, particularly political parties.

I say again that if the Labor Party is so keen on introducing this legislation, and if it believes it is not doing that for political purposes, it would allow the current voting system to continue for another two years. That would not make a big difference to the state of Western Australia, or to the standard of local government. The government should leave the first-past-the-post system in place until 2009. The government could then signal to

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the community well and truly in advance that it will be introducing a new voting system for local government that reflects the voting system for the Legislative Council and the Senate. It can then run workshops to explain the new system to not only returning officers, but also the general community. It could expand those workshops, as our government did when we brought in the new Local Government Act. At one stage, we conducted about 45 seminars around the state on the changes to the Local Government Act. Those seminars culminated in a seminar at Burswood that was attended by about 800 people. If the government did that, it could then say that it is changing the voting system for local government to make it easier for people to be elected to local government. If the government is right, the community will welcome the government's decision with open arms. I can tell the government that people understand the first-past-the-post system, regardless of whether that system is better or worse, much more than they do the voting system that is proposed in this legislation.

Mr G. SNOOK: The Deputy Premier has said that the current voting system in local government is less democratic and fair than the proposed system, because a disproportionately low number of people may elect to local government a person in the community whom they like. It has been a while since I have stood for local government, but I thought that under the current system, all people have to do is mark their preferred candidate with a tick against the number 1, 2, 3, 4, or whatever. I am sure the Deputy Premier's advisers will be able to correct me if I am wrong, but that is my understanding of how the system works. I am pretty sure that all people have to do is fill in one box. If that is the case, the Deputy Premier's argument does not stand. The Deputy Premier talked about the flow-on effect of running a ticket, and about political interference and the influence of political parties. How will that work, when all people have to do is tick the box for the candidate they prefer? I cannot see how that would work. That would be an interesting question for the Deputy Premier to resolve.

Mr J.B. D'ORAZIO: I cannot allow the member for Moore to make a comment like that. He obviously does not understand the electoral system in local government. I will explain what happens with the ticks, as I have worked with that system for years. When a multiple-vacancy election is held, people give not one tick but two. That is two votes. Does the member know what groups do? A strong candidate runs the ticket and gets the tick and then tells voters to vote for another guy. The result ends up being even tighter than with preferential voting. It means that they end up with two candidates, one of whom no-one has ever heard of. The strong candidate takes the other guy along. Does the member know how many times that has happened in local government over the last little while?

Mr G. Snook: Did it happen to you?

Mr J.B. D'ORAZIO: No. It happens in all the councils for which there are multiple vacancies and various groups are involved, whether it is the Labor Party, the Liberal Party or support for a particular person. That is what happens.

Mr G. Snook: That is first-past-the-post.

Mr J.B. D'ORAZIO: It is first-past-the-post. For example, for an election for two positions, there may be five candidates. Electors are allowed to vote for two people - they could give two ticks. What happens is that when voters decide to vote for me, John D'Orazio, I will tell them to vote for Gary Snook as well. They may not have heard of the member for Moore, but they like me so they do what I tell them to do. The result is even tighter than under the proposed preferential system. I have a problem with the proposed system as it will create a lot of problems for local government. It will cause splits in councils. In a seven-vacancy election, a person would need to get only eight per cent of the vote to win a position, as he would have got his quota. That will create a whole problem of its own. It will also create diversity on councils. However, what sometimes comes with diversity is disruption. I think that there might be some dysfunctional councils in the future. However, it is a fairer system than the current system.

Mr P.D. OMODEI: Again, this is challenge and counterchallenge. If that kind of thing is happening in local government, it is open to a local government to change its ward boundaries. The whole council or half the council could be up for election.

Mr J.B. D'Orazio: Then you would get six ticks!

Mr P.D. OMODEI: They could be single-vacancy elections rather than multiple-vacancy elections. It is open to councils to turn them into single vacancies. It would still be straight first-past-the-post.

Mr J.B. D'Orazio: So instead of having three wards, there would be 12 wards.

Mr P.D. OMODEI: Yes.

Mr J.B. D'Orazio: Come on, member; not even you would support that!

Mr P.D. OMODEI: Wait a minute. If there were 12 wards, only six would come up for election at any one time. What is wrong with that? Six single vacancies in a local government election would not be that bad.

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The ACTING SPEAKER (Mr M.J. Cowper): Members, we are here to consider the bill in detail and not to banter about particular views. If members want to do that, they can go outside the chamber. I would like to hear questions for the Deputy Premier.

Mr P.D. OMODEI: I will not dwell on that. Clause 5 replaces schedule 4.1 with a very large, new schedule 4.1. The Deputy Premier might think that this is tedious repetition, but the proposed schedule contains 25 clauses. That means that this legislation will be all but passed once clause 5 is dealt with. I do not know whether that is by accident or design. Again, I am a little suspicious. Why would the state government buy a fight with local government? This legislation will be passed, given that the government has the numbers in this place. What will it do then? The procedure of holding two meetings in partnership with local government has all but been shredded. When this legislation is passed, will the government go cap in hand to local government and say, "Well, we've done you over now but we want to talk to you. We'll be nice to you and make some concessions"? It is just a messy, nasty, murky, political bid by the state government to impose its will on local government.

The reaction to this legislation is unprecedented in the history of local government in Western Australia. I have been involved with local government since 1976. It is 31 years since I first joined local government as a young man. I have never seen a situation such as this in which 41 local governments moved a motion of no-confidence in a minister. If three or four local governments moved a motion of no-confidence in me as minister, alarm bells would well and truly be ringing. I would be asking my department what I was doing wrong.

Mr J.B. D'Orazio: They didn't when you split the City of Perth.

Mr P.D. OMODEI: Was there a motion of no-confidence?

Mr J.B. D'Orazio: Absolutely! We actually marched through Perth. I was with them.

Mr P.D. OMODEI: Did the member for Ballajura march?

Mr J.B. D'Orazio: Yes.

Mr P.D. OMODEI: Was it the member for Ballajura who threw the egg at a minister of the Crown?

Mr J.B. D'Orazio: Did you get the egg?

Mr P.D. OMODEI: It was very interesting. I will tell the story about the egg, if I may. I had eight meetings with the union movement. The deal was that anyone who was retrenched as a result of the splitting of the City of Perth would be given eight weeks' pay for every year of service. I had eight meetings with the union movement, but they still marched on Parliament House. I was standing on the steps of Parliament House ready to talk to them when somebody threw an egg. I had my thumb tucked in my belt and the egg hit me on the side of the arm. There was a perfect splitting of the white and the yolk, with the shell and the white dropping onto the ground and the yolk going past me. Hon Bob Thomas, who was greatly enjoying this spectacle, was in the background and was hit right in the middle of the chest by the yolk, which splattered all over him. When I realised what had happened, I was not too perturbed about the egg. It was a really important exercise. Would the member for Ballajura believe that when the dust settled, I was invited by the City of Perth to attend its first meeting in the refurbished Council House and was also invited by the Town of Vincent, the Town of Victoria Park and the Town of Cambridge to open their facilities? As a matter of fact, in the Town of Vincent, Jack Marks had an Italian piper to pipe the official party up the stairs; so take that! When Mick Lee introduced me to the crowd of 300 people, he said that I was the best Minister for Local Government that Western Australia had ever had.

Mr E.S. RIPPER: We have had some debate about the system that the government proposes to introduce, which in my view is a fairer system under which councils will better reflect the diversity of community opinion. Politics is always about choice. Let us look at some of the unfair anomalies with the existing system. I will take as an example a single-vacancy election under first-past-the-post. Let us say that 100 people vote. A gets 34 votes, B gets 33 votes and C gets 33 votes. Under first-past-the-post, A, with 34 votes, is elected. However, it may be the case that both B and C voters do not like A and would prefer either B or C to be elected. However, they do not get a chance for that to happen; their votes are wasted. If members want to understand how that would work in a state parliamentary election, it would be as if A stood for ALP, B stood for the Liberal Party and C stood for the National Party. It would be expected that Liberal and National voters would have a joint preference against an ALP candidate, but under first-past-the-post, even though they had 66 per cent of the combined vote, A would win because they had split their votes and could give no preferences. That is an unfair outcome of first-past-the-post in a single-vacancy election.

Mr P.D. Omodei: What about a Labor-Greens (WA) arrangement where the Greens give their preferences to the Labor Party?

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Mr E.S. RIPPER: I could provide a calculation like that, but I preferred the other one. Let us take a first-past-the-post election in which there are 1 000 votes and two vacancies. A is the sort of councillor whom the member for Ballajura was talking about - that is, the lead councillor. A wants to carry someone through to victory on his coat-tails. A tells his 340 voters that when they turn up to the polling booth to give him a tick, they should also give a tick to his running mate, Mr Z. Therefore, those 340 voters turn up and there are 340 ticks each for candidates A and Z. In the meantime, candidates B and C are also interested in getting themselves and their running mates elected. B has 330 votes and there are 330 ticks for B and 330 ticks for Y, B's running mate, and the same happens for C; that is, there are 330 ticks for C and 330 ticks for W, C's running mate. Members can see what happens. With 340 votes, principally for A, A is able to get elected and A is able to get his running mate elected. They have only 34 per cent of the vote between them, but they have been able to take 100 per cent of the vacancies.

If members opposite think there are some anomalies under the system proposed by the government, and indeed some people can get elected with very low primary votes as a result of the flow of preferences, what do they think about the possible anomalies under the first-past-the-post system? I agree with the Leader of the Opposition that there is no perfect voting system. Each voting system has its strengths and weaknesses. The strength of the first-past-the-post system is that it delivers a clear winner in a simple fashion. The weakness of the first-past-the-post system is that it can produce very unfair anomalies in which 100 per cent of the vacancies are taken by people who have only one-third, or less, of the support in the electorate. The proportional representation system, while much more complicated and difficult to count and explain, delivers a fairer reflection of community opinion.

Many countries have moved away from first-past-the-post voting because, while it is simple and easy to understand, in the end it does not produce an acceptable reflection of the diversity of opinion within the community. I do not think members opposite can defeat the government's proposal by pointing out that there is the odd anomaly without also conceding there are more serious anomalies with first-past-the-post.

Mr P.D. OMODEI: I accept what the Deputy Premier said and he chose to take an example of first-past-the-post, make an assumption and compare it with political parties. Again, my fundamental argument is that this is not about political parties, but about individuals trying to seek election at a local government election. If multiple voting and first-past-the-post cause a problem, I put it to the Deputy Premier that the maximum number of councillors per council is 15.

Mr E.S. Ripper: That is correct.

Mr P.D. OMODEI: Let us say that we have two members per ward and we have seven or eight wards. A representative from each ward would come up for election at each alternate election. It means that there can be eight single-member elections. If the council was concerned that multimember vacancies were causing collusion, it could choose to make them single-member vacancies at each election. That would fix the problem. We would still have the situation under the first-past-the-post system that somebody with 15 or 30 per cent of the vote could win the election and the other council representatives might dislike that person.

In the end, it is a system that people on the ground understand very clearly. By the way, the argument with exhaustive preferential voting with multimember vacancies is: why should people have more than one vote? Why should they have a vote and, because they do not get up, are able to have a preference vote? That is the philosophy behind exhaustive preferential voting, however everybody has a say in who is finally the winner. None of these voting systems is perfect. If local government likes the first-past-the-post voting system but that results in problems with multimember vacancies, the legislation can be amended to ensure that there are single-member vacancies.

Mrs J. Hughes: You can't, because if there are fewer wards, there could be three councillors representing one ward.

Mr P.D. OMODEI: I do not think the member is listening. I said that the maximum number of councillors is 15.

Mrs J. Hughes: They can have four wards and twelve councillors - it is not as rigid as the Leader of the Opposition is making out.

Mr P.D. OMODEI: There can be fewer people in each ward. The municipality is divided by eight or seven wards -

Mr J.B. D'Orazio: Can you imagine how costly that would be? You would have to create the ward -

Mr P.D. OMODEI: How can the new system be started?

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Mr J.B. D'Orazio: Because that is what is done when the boundaries are changed.

Mr P.D. OMODEI: I advise the members for Ballajura and Kingsley that, to make it simple, if a council had 12 councillors there could be six wards. Therefore, councillors in those six wards come up for election every election and there can be single-member vacancies in each ward. The number of representatives in each ward would need to be equal.

Mr E.S. Ripper: There might be a council or two who choose to do that for that reason.

Mr P.D. OMODEI: That would be a good idea. If that is what the government is proposing and it stops the rotting or politicisation of the system, I agree.

Mr E.S. Ripper: It is expected that there will be 164 single-vacancy councillor elections and 173 multiple-based elections.

Mr P.D. OMODEI: Perhaps the Deputy Premier should be looking at those 173. Under the system that operated prior to the 1995 Local Government Act, the City of Perth had 27 councillors - three councillors represented the central business district where 52 per cent of the rates were raised. Is that fair? I do not think it is.

When I was the minister, the City of Melville was undergoing a transitional process to reduce its councillors from 18 to 15 over two to three years. They were very concerned about it and I clearly remember them saying that councillors should be paid a lot more. I said, "Yes, no problem. Pay the councillors more, but the more you pay them the more it will politicise local government." That is another story. The message I have tried to convey to the Deputy Premier is that as local government likes the current system, why change it?

Mr J.B. D'ORAZIO: The Leader of the Opposition's comment about local government favouring the current system got me riled. The current system of multimember elections not only discriminates in favour of strong candidates and groups of candidates, whether political or factionally aligned, but also penalises the little people. It makes it almost impossible for the little person to win. The Deputy Premier referred to various scenarios. If a small person - I do not mean in size - who has no allegiance runs in a multimember election on his own, the electors will use their right to vote for more than one person. The statistics indicate that occurs in 80 per cent of cases. That means the small person who gets electors to vote for him is also voting against them because they are voting for one of the other candidates. It makes it impossible for a small person to win, if he does not have an allegiance to a group.

Dr E. Constable: Define a "small person".

Mr J.B. D'ORAZIO: A "small person" is a person who is not aligned to a factional group, political party or organised group; in other words, an ordinary candidate who wants to do the right thing by his or her community. It makes it impossible for that person to be elected under a multimember system. I repeat that in 80 per cent of cases that person will take the second vote. Although I have problems with the proposed system because it may be difficult for local government to administer, it is fairer because it gives every candidate the chance to be elected. A person can be elected with 10 per cent of the vote when there are a number of vacancies. This gives a small, non-aligned person a chance to get elected. It also means that the two major political parties will have a split on most councils, which may create problems in the long term. That is the problem I have - not necessarily with the system, but with the long-term effect.

Mr G. SNOOK: I notice that, in proposed clause 1, there is no definition of "casual vacancy". I understand that casual vacancies will obviously be treated the same way, because this new schedule is being put in place of the existing schedule 4.1, which would cover casual vacancies. Why is there no reference to casual vacancies in this clause? I cannot pick it out. Maybe I have read it so many times that I am poison blind and cannot see it. My other question relates to "one office election", which is the election to fill the office of mayor or president. If a mayor or president is elected from the council, that means preferential proportional voting if there are multiple candidates for the position. Would that apply, or would it be just preferential voting for a single position with more than two candidates? There could be three or four people running for the position of shire president or mayor elected out of the council. Can the Deputy Premier clarify that for me? I ask him to answer all the questions at the same time. I keep going back to my small regional council. Does that mean the council will go through two of these processes? The first is to elect the council, and then the council meets and its first duty is to elect a president or mayor. Can the Deputy Premier clarify that the council will have to go through the same system again if there are multiple candidates for the one office? Is that correct?

Mr E.S. RIPPER: If there is a single vacancy, the system that applies is preferential voting, as for a seat in the Legislative Assembly or the House of Representatives. I am not sure, but I do not think there is a reference to casual vacancies here because that would be covered elsewhere in the principal act.

Extract from *Hansard*
[ASSEMBLY - Tuesday, 19 June 2007]
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Mr G. Snook: Is there no need to mention that here because the same system would apply?

Mr E.S. RIPPER: The system applies to a vacancy however it arises, whether in the normal course of events or as a result of a resignation.

Clause put and a division taken with the following result -

Ayes (25)

Mr J.J.M. Bowler	Mr F.M. Logan	Mr P. Papalia	Mr P.B. Watson
Mr J.B. D'Orazio	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Whitely
Dr J.M. Edwards	Mr M. McGowan	Ms J.A. Radisich	Mr B.S. Wyatt
Mrs D.J. Guise	Ms S.M. McHale	Mr E.S. Ripper	Mrs J. Hughes (<i>Teller</i>)
Mr J.N. Hyde	Mr A.D. McRae	Mrs M.H. Roberts	
Mr J.C. Kobelke	Mrs C.A. Martin	Mr T.G. Stephens	
Mr R.C. Kucera	Mr M.P. Murray	Mr D.A. Templeman	

Noes (18)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr D.T. Redman	Mr T.K. Waldron
Mr M.J. Birney	Dr K.D. Hames	Mr A.J. Simpson	Ms S.E. Walker
Mr T.R. Buswell	Dr G.G. Jacobs	Mr G. Snook	Mr T.R. Sprigg (<i>Teller</i>)
Mr G.M. Castrilli	Mr J.E. McGrath	Dr S.C. Thomas	
Dr E. Constable	Mr P.D. Omodei	Mr M.W. Trenorden	

Pairs

Mr S.R. Hill	Mr G.A. Woodhams
Mr J.R. Quigley	Mr R.F. Johnson
Mr P.W. Andrews	Ms K. Hodson-Thomas
Mr A.J. Carpenter	Mr C.J. Barnett

Clause thus passed.

Clause 6 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR E.S. RIPPER (Belmont - Deputy Premier) [9.09 pm]: I move -

That the bill be now read a third time.

MR G. SNOOK (Moore) [9.09 pm]: As lead speaker for the opposition on this bill, I rise to make some concluding remarks. The likely passage of this bill marks a defining change in the way members of the public will cast their votes. As has been said before in this place during the debate on this bill, it is unlikely that new changes will occur rapidly. They usually endure for some time. We are faced with a change that is more than likely to be around for a long time. As has been outlined, the last change was in 1997, when we moved from preferential voting to first-past-the-post voting. This system is likely to be in place for a long time.

I make the point that I honestly believe that there will be a decline in the number of voters turning out at local government elections under this new system. During this debate a number of speakers have said that that is likely to occur. I am fairly confident that it will occur. As I said during consideration in detail, I predict that there will be a decline. As the Deputy Premier acknowledged, the system is far more complicated. The harder it is for people to understand the results of the way they cast their votes, the more likely it is to incline them to not be bothered. That will be very disappointing. The issue of the poor turnout at local government elections has been debated at length within the community of Western Australia for as long as I can remember. The debate about making local government elections compulsory to bring them into line with the federal and state election systems has ensued ad nauseam over the years.

My second prediction is that, as a result of the declining turnout of voters, it is more than likely that a Labor government will bring in compulsory voting. Personally, I do not believe in compulsory voting. I believe that compulsory voting is anathema to the word "democracy". The good thing about democracy is that it gives people choice. It is designed to give people choice. It is designed to give people freedom, including the freedom of choice. As a matter of principle, I do not believe that we should have compulsory voting at any of our

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government elections, be they commonwealth or state. People will argue otherwise, but at the end of the day, we get what we get as a result of our participation.

Mr P.D. Omodei: As you sow, so shall you reap.

Mr G. SNOOK: There are many other sayings along those same lines. The point is that almost every speaker who has spoken during the debate on this bill has acknowledged that the new system is complicated. Some people argue that it is complicated but fairer. I accept that people have a point of view. The point is that it will give people a disincentive to vote. It will discourage people from going to the polling booth during local government elections, regardless of the fact that there will be postal votes. Postal votes have improved voter turnout considerably in local government elections, by up to 50 per cent in some cases, which is quite outstanding.

At the end of the day, I or any member of the public voting in local, state or federal government elections usually wants to understand how a result will come out of the way he casts his vote. The Deputy Premier clearly outlined that in his view there will be less political influence under this system. If there is no political party influence, at the end of the day, how will that benefit electors? I do not think this system will benefit electors and give them more say. It will not better reflect their desire to see the result that they want to see when they do not understand the system. Most people understand the system of proportional preferential voting when they vote in Senate elections on the basis that there is a pink or a white sheet, whatever the colour of the paper is for that particular election, and they can fill in a box above the line to vote for a certain party. That does not apply in local government elections because electors are voting for a single person, not a party. I predict that there will be a move to vote 1 above the line and then we will have compulsory voting. We will see whether my prediction comes true. Those two points that I have raised will be the outcome of the adoption of this piece of legislation.

There is another reason why we on this side of the house oppose this legislation. We did not dream up our view. We did not get together and say that we will convince local government that this system of voting is not good for it. As I and other members on this side have explained, this change of voting system came about virtually unannounced. It was placed in the other section of this amendment bill that primarily sought to change the time of elections from May to October and to clear up the little anomaly of 17-year-olds possibly being able to vote prior to turning 18. We on this side of the house had no problem with that. We supported it. In fact, local government and the Western Australian Local Government Association, the peak body, supported that. Local government got very angry and irate about the fact that there was no consultation. That fact was recognised by the Legislative Council. It acknowledged that there was a need to give consideration to that issue, so it agreed to split the bill, which we unsuccessfully tried to do in this house, on the premise that there was inadequate consultation. It was pointed out to us by industry and by local government and its peak body, WALGA, that it came out of the blue, and industry thought it was treated pretty poorly. I agreed with that because, as the Deputy Premier pointed out, the state government now acts under a couple of agreements in dealings between the state and the commonwealth and the state and local government. In the memorandum of understanding agreement, the partnership arrangement of the issues to be discussed between local government and the state government is supposed to be honoured.

Local government got very irate when this issue that we have debated here tonight came out of the blue. I do not blame it. Those of us who have sat on local government would not take it lightly if we were involved with a council that was inclined to discuss the prospect of moving a vote of no confidence in its minister. I say "its minister" because that is what the Minister for Local Government is. The Minister for Local Government is the minister who looks after and oversees 144 local authorities within his or her jurisdiction as the minister. Councils view the minister as "their" minister. Most members in this place today would agree that none of the councils would have made that decision lightly. In fact, I am aware of a number of councils that have contacted me saying that they had trepidation and concerns and that they wanted time to rethink the prospects of taking such actions. They did not just flippantly decide to do this, despite the fact that they were seriously upset and had reason to be upset. It was because of the lack of consultation and the lack of respect. It has done the arrangement and agreement between local governments and the state government a great deal of harm. We can fight over issues, debate, walk away, and get on with the job. That is what politics is. The Deputy Premier said that it is a "winner takes all" situation. That is life in politics but local government is different. Local government, in dealing with the state government and the minister generally, is apolitical. I believe that, despite the fact that there might be elements of party politics within some local authorities. That is acknowledged. I genuinely believe that when councils are dealing with ministers, they are, in the main and on the whole, doing so on an apolitical basis. I know that from my experience. Many members in this place, in their time in local government, would have always respected the minister regardless of their own view of party politics. It is of great concern that there has been a very serious breakdown in the respect and standing between the state government via the minister and local government.

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We have to move on. Obviously, this legislation will go through this place. It will be concluded tonight and go to the other place so that it can be put in place this year, as the Deputy Premier said, despite our request - which I think was very reasonable - to help begin to build the bridges, heal the differences and close the gap between local government and the state government. The government should say that it knows that local government is upset and that the Minister for Local Government acknowledges that it is upset and that there is a lot of ill feeling and disappointment. It is up to the state government and the Minister for Local Government. As I have said in this place before, the new Minister for Local Government has a job of work to do to rebuild goodwill. I am aware that the minister is doing that; she is showing a great deal of willingness to achieve that. She is getting around. It is great to see the minister do that. Of course, it goes further than that. The job is ahead of the government to build trust and goodwill into the arrangements between local government and the state government.

Local government has a very good structure of representation through its regional grouping of the old ward system, which flows through to the peak body of the Western Australian Local Government Association. Local government has come a long way. Local government has always had a good deal of work and tidying up to do to get its house in order in an overall sense so that it has respect and understanding, which is needed between the state government and local government. It has done that by bridging its gaps and differences through amalgamation over the years and the coming together of various associations. That has been a great step.

However, local government now has on its plate far more important and demanding issues than to worry about changing the way that members are elected and the way the voting system works for local government. That is what we should be concentrating on in this place; that is what we should be debating. We should be debating and considering the very serious situation that local government finds itself in. The sustainability study undertaken by WALGA was a very responsible way for it to go. It has had a good look at itself. It has looked at the financial sustainability of individual councils and local government collectively to do its job as the third tier of government in our Westminster system. About 84 per cent of all local governments in the study have been identified as unsustainable. In other words, it is highly unlikely that they will be able to continue under their current structure and format. It is highly unlikely that they will be able to continue for many more years under the structure they have. The important issue is the matter of how we are going to get over this very difficult situation in which local governments in Western Australia find themselves. That is what we should be homing in on here and working out what we are going to do. There are far more important matters to discuss than this Local Government Amendment Bill (No. 2) 2006.

We have spent a lot of time debating a very important matter, but I place on record that I think we have also wasted time. That is not because we on this side of the house will lose this debate. We on this side of the house have contributed reasonably to the debate. We have reflected what local governments as individual councils and what their peak body, WALGA, have wanted us to reflect. Democracy did not work in this instance from the perspective of local government. It works in here because this house has been elected democratically and the government of the day has the numbers. We respect that, although we might not like it. I am talking about the fact that, from a democratic point of view, the vast majority of councils do not want this change. A range of councils, from metropolitan and larger regional centres across the spectrum to isolated rural councils in Western Australia, have taken the time to express their view to this government and to this place - this Parliament - that they do not want to change. As I said earlier, it is very disappointing that this legislation came in virtually out of the blue. The president of WALGA - the peak body - received a telephone call and read in the media of an event that will dramatically change the way representatives of local government are going to be elected. That is an appalling disgrace. It is just not on. It is not professional; it is not fair and it is not reasonable. That is the point we have been trying to make during the course of this debate.

We love democracy; we need democracy. We should sit in this place and make sure that democracy is not only done but also seen to be done. That is the disappointing thing about the debate and the outcome on this issue. Our leader has reasonably asked time and again during the course of this debate for the government to say, "Okay, we hear what you say, we understand you are angry, we recognise there was not enough consultation, and while we will eventually get our way, as a matter of respect and of acknowledging the very important role that the third tier of government plays in our democratic system, we will allow this to be debated on another day." However, that was not to be and that is very disappointing. Local government, generally, will be very disappointed with this result. It will be very disappointed that, unfortunately, the government of the day did not take up that offer to show some genuineness and some decency. It was unable to say to local government, "At the end of the day, we will get our way, but we will give it a fair go, and we will let you have a fair go." This process is a sad reflection on democracy, and, along with my colleagues, I remain opposed to the bill.

MR G.M. CASTRILLI (Bunbury) [9.31 pm]: I will make only a small contribution to the third reading stage because my friend the member for Moore has covered the issues very well. All I can say is let us just get ready

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for the slow invasion of politics into local government. This bill will ensure that politics creeps into it. A member of either major party will get voted into local government under this system. We will witness ticketing systems as an established procedure and deal-making, and the general public will not even know who is involved in the deals. At the end of the day, people will not even know where their votes will end up. They might think they have voted for one candidate but they will end up having voted for another. There will be dummy candidates and political alliances. To my mind it is just not on. The political manipulators from both sides of politics will have a field day. They will run their political agendas when members of the local community should be the only ones to have a say on what goes on in their community. They should be the only ones to have a say about who their representatives should be. They should determine exactly where their community is heading and what they should be progressing with. They should be able to hold their own representatives accountable. Their independent intentions will be substituted and tarnished by outside political parties and third-party influences. What arrogance we have seen from this government. What arrogance it must have. It was not worried about listening to its hand-picked advisory board, which said to leave the first-past-the-post system; that is what we want. Do not worry about the Western Australian Local Government Association, the only peak body that represents 144 local governments, which said to leave the system as it is. Do not worry about the fact that when local governments were asked whether they wanted proportional preferential voting, 93 per cent said no. The government does not worry about democracy! The overwhelming majority of people - majority in anyone's language - said that they did not want proportional preferential voting; they wanted the system to stay as it is. The government does not worry about democracy. We are killing off democracy. Obviously, the consultation process means nothing. As we have seen, the partnership agreement that has been signed means absolutely nothing. The Deputy Premier himself said, "Don't worry about it. We know what's best; only 93 per cent of local governments do not want change, but don't worry about that; after two or three elections they'll get used to it; they'll hang in there and take it as being okay, so don't worry about the democratic process." Not 51 per cent, but 93 per cent of local governments said that they did not want proportional preferential voting.

The fanfare we went through over the so-called partnership agreement is a joke. I will not go through all that again because I spoke about it in my second reading contribution. However, I want to make the point that we are supposed to be a democratic society and we are killing democracy dead; it is just dying. There will be additional costs to local government.

Several members interjected.

Mr G.M. CASTRILLI: It is all right for members opposite to laugh, but the new system will create additional costs for local government. Local government is the bunny that will pick up the costs again. It is part of more cost shifting to local governments from state and federal governments. It is an absolute disgrace. Once again, local government is being treated with absolute contempt. The government does not care about local government; it does not listen to what it has to say; it is not interested. All the government wants to do is politically manipulate local government. The fact that there have been six local government ministers in seven years reflects the regard in which the government holds local government. The government has passed the one vote, one value legislation. It does not care about regional Western Australia. It can manipulate and control that and it wants to politically manipulate local government. I predict that, in the long term, the outcome of this action will not enhance the workings or the reputation of local government. In my view, it will result in the exact opposite of what is intended. I hope I am wrong but I do not think I will be. We will be simply encouraging politics into local government. I am a local government person and I have said for a long time that I do not want any politics in local government. A little bit of it creeps in here and there, but, largely, it is free of political interference, and, as an old local government person, that is the way I want to keep it.

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [9.36 pm]: I do not intend to delay the house other than to make a couple of observations and say that members on this side unashamedly defended the rights of local government. Local government made it very clear that it did not want this legislation to be passed. If there had been any cooperation between both sides of the house, had the government agreed to split the bill in the first place in the Legislative Assembly, it would not have needed to come back from the Legislative Council; it would have gone there only once. I am concerned about this imposition on local government. I think individuals in the community will be better served by a first-past-the-post system. We can argue until the cows come home about what the best system is. There is no doubt that there is no perfect system, nor is there any doubt that local government has identified that there will be increased costs due to the implementation of proportional preferential voting. Although the government has made a commitment towards the provision of software and training, those resources will impose a cost on individual local governments with the returning officers, whether they be the CEOs or the returning officers in the larger councils, being taken away from their normal jobs. In the end, of course, the information must be entered into the computer so that the software can do its job. Therein lies scope to make mistakes, particularly when there are large numbers of

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multimember vacancies when whole councils or half councils come up for election and there are no wards. Situations will therefore arise in which large numbers of councils must hold elections. That in itself, with the surplus fraction and continued transfer value of the votes, is complex by its nature and will require someone who understands it well. Local governments identified that there would be more costs. I understand that, under current legislation, only the Western Australian Electoral Commission can conduct some elections if it is requested to do so by local government. There is no indication in this legislation of whether the government is prepared to allow the Australian Electoral Commission to compete with the Western Australian Electoral Commission to try to keep the costs down. There is also no indication of whether local governments will be able to conduct these elections themselves. I am sure many local governments will choose to do that.

Another issue is whether people will continue to vote in local government elections. Only time will tell. There is no indication of whether this new voting system will affect attendance at polling booths, even given that the influence of political parties in local government does not occur to the extent that it occurs in the main game, of course. I do not think postal voting is a policy of the Labor Party. However, there is also no mention in the bill of whether postal voting will continue, or whether that will be made more complex by the introduction of proportional preferential voting.

Another issue is compulsory voting. If people do not understand the new system, it may drive down the number of people who would normally vote. There is no mention of whether the government will introduce compulsory voting if that does occur. I understand that local government has said that if this legislation is passed, it will consider pushing for compulsory voting. I would caution local government against that. I would rather the government change this legislation so that there can be only a limited number of multiple-member vacancies; in other words, that it go back to the preferential voting system. Of course, we have come from the system under the 1960 act whereby there was straight preferential voting for both single-member vacancies and multiple-member vacancies. That system had its shortcomings. The coalition government introduced the first-past-the-post voting system. That system has been well accepted by local government. Although that system is not perfect either, it is well understood by the community. Also, the cost of that system is not as great as the cost of the more complex proportional preferential voting system. On that basis, a very good argument can be put for keeping the current system in place.

We will be watching this new system with great interest. Local government has made a number of allegations against this proposal, to the extent that it spent about \$100 000 on a campaign to try to convince the government to not go ahead with this legislation. That is its right, because local government feels very strongly about this new voting system. How the new voting system will affect the relationship between the state government and local government will be interesting to note. It is very important that there be a strong liaison between the state government and local government, given that local government is a child of the state. Local government is also forever on the butt end of the cost shifting from the state and commonwealth governments, and it is being forced to accept ever-increasing responsibilities across the spectrum. That matter needs to be considered also. Another important issue is how the elections will be conducted.

I again put it to the government that if it has any goodwill toward local government, it will accept that there are many anomalies in the first-past-the-post system and not impose on local government what is, in effect, Labor Party policy. If the government is genuine, it will delay the implementation of this legislation until the October 2009 local government election. That will prove clearly to local government that the Labor Party is not trying to impose on local government its own party political structures. I have put that challenge to the government a number of times during the debate tonight. I think it is a fair call. If the government delays the implementation of this legislation until 2009, it will prove beyond doubt that the government does not have a political agenda. It will not make one iota of difference to the current situation, because the tried and proved first-past-the-post system will remain in operation until October 2009. On the contrary, if this new voting system is a plot by the Labor Party to impose its will and to lace local government throughout the state with Labor apparatchiki so that those people will be better placed to have an influence on the 2009 state election, I dare say the Labor Party will be judged accordingly by the electorate when it is made aware of what the Labor Party has been doing. Obviously, every person who is elected to local government votes for some political party. People often joke about Stirling City Council and the blue team and the red team, or perhaps it is the pink team. However, there are very few local governments in Western Australia in which party politics is overt. In most country councils, the majority of the members are of a conservative nature. Quite a few of the members of regional councils are conservation orientated. Bear in mind that there are 112 regional local councils. I do not know why the government would want to put in place a system that even raises the spectre that party politics will be introduced into local government.

The final issue is cost. The soil moisture map that appeared in the *Countryman* last week showed that on 1 June this year, the soil moisture content in most of the wheatbelt was far below what it was on 1 June last year. That

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will be a significant issue in regional Western Australia. I know for a fact that farmers are hoping beyond hope that a big rainfall system will come through this weekend, and also on 29 June. However, I suspect that even if that does occur, a lot of farmers have already decided not to plant a wheat crop. The impact of that across regional councils will be significant. If an additional cost is then imposed upon regional councils as a result of the introduction of this proportional preferential voting system, it will make people very angry. Wheat farmers generally hedge their crop. I understand that this year, wheat farmers have hedged their crop to the tune of roughly \$150 million. That is based on the presumption that they will be able to grow enough wheat to put into the pool to cover that hedge. The amount of wheat that they put into the pool to cover that hedge is usually only a small proportion of what they grow; it is usually only about 1 000 tonnes. If wheat farmers do not get rain in the new few weeks, the first cost that those farmers will need to meet will be the hedge cost. They will then need to face the cost of not planting a crop. To give an example, one of the farmers in Mullewa has planted 40 000 acres of wheat. It will have cost him well over \$1 million to plant that crop. He is a major landholder, and he pays a helluva lot of rates to that local government. A lot of farmers in the Chapman Valley, around Geraldton in the northern and north eastern wheatbelt, will be very short of money.

Mr E.S. Ripper: That is a serious situation.

Mr P.D. OMODEI: Wilson Tuckey has already written to the Minister for Agriculture and Food about putting in place some precursor for exceptional circumstances funding. Bear in mind that farmers need to have two dry years before they are eligible for exceptional circumstances funding. However, exceptional circumstances funding will not save a lot of these farmers. I am reluctant to say that, but a lot of farmers had a bad year last year, and they are at the end of their tether. When I say at the end of their tether, I mean at the end of their tether. Often in these kinds of situations, another bad year is the last straw that causes people to finally crack. If the drought continues and we do not get significant rain by the end of June, a responsible government would say, "We are a bit concerned that this new voting system may impose an increased cost on regional councils, so we will delay it for a year." That would be very well received, Deputy Premier. I ask the Deputy Premier to take that on board. We oppose the legislation. It is not very smart politics to impose a Labor Party policy on this sphere of government, when 93.5 per cent of councils are opposed to that policy.

Question put and a division taken with the following result -

Ayes (23)

Dr J.M. Edwards	Mr J.A. McGinty	Mr P. Papalia	Mr D.A. Templeman
Mr J.N. Hyde	Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson
Mr J.C. Kobelke	Ms S.M. McHale	Ms J.A. Radisich	Mr M.P. Whitely
Mr R.C. Kucera	Mr A.D. McRae	Mr E.S. Ripper	Mr B.S. Wyatt
Mr F.M. Logan	Mrs C.A. Martin	Mrs M.H. Roberts	Mrs J. Hughes (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mr M.P. Murray	Mr T.G. Stephens	

Noes (18)

Mr D.F. Barron-Sullivan	Mr M.J. Cowper	Mr P.D. Omodei	Mr T.K. Waldron
Mr M.J. Birney	Mr J.H.D. Day	Mr D.T. Redman	Ms S.E. Walker
Mr T.R. Buswell	Dr K.D. Hames	Mr A.J. Simpson	Mr T.R. Sprigg (<i>Teller</i>)
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr G. Snook	
Dr E. Constable	Mr J.E. McGrath	Dr S.C. Thomas	

Pairs

Mr S.R. Hill	Mr G.A. Woodhams
Mr J.R. Quigley	Mr R.F. Johnson
Mr P.W. Andrews	Ms K. Hodson-Thomas
Mr A.J. Carpenter	Mr C.J. Barnett

Question thus passed.

Bill read a third time and passed.