

Hon Ray Halligan; Hon George Cash; Hon Robyn McSweeney; Hon Barry House; President; Hon Bill Stretch;  
Hon Derrick Tomlinson; Hon Barbara Scott; Hon Bruce Donaldson; Hon Alan Cadby; Hon Sue Ellery

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**ONE VOTE ONE VALUE BILL 2005**

*Third Reading*

Resumed from an earlier stage of the sitting.

**HON RAY HALLIGAN (North Metropolitan)** [4.34 pm]: Before we broke for question time, I was giving the reasons why the third reading of this Bill should not be supported. I was explaining that the Greens (WA) have a preferred model that is nothing like what is being proposed in this bill. Therefore, I cannot understand why they feel so strongly about the bill. I also mentioned that even though the government has been expounding in this chamber that democracy and fair play should be at the forefront of the way in which members think about this bill, unfortunately it is unaware of what democracy means. To give an example of that situation, I will quote from a paper by Senator Andrew Murray entitled “The Current Status of Federal Law”, which he presented at Margaret River in October 2000. He said -

Money may talk, but it is votes that really matter. The union influence in Labor is a matter of numbers, particularly on preselections and in regard to their policy votes. It is the return of huge numbers of unionists to Parliament that gives the unions their say over Labor’s IR policy direction.

This is the most important part as far as this bill is concerned, I suggest -

This is what Carmen Lawrence said to the Sydney Institute in August -

That would have been August 2000 -

on Labor’s malapportioned voting system:

*Unions - honourable contributors to Labor history and policy - exercise disproportionate influence through their 60:40 rule and through their affiliated membership, many of whom have no direct connection to the party. One vote, one value - the prime condition for a democracy - is not observed in the party’s rules.*

The document goes on to state -

And this is how Labor’s Gary Johns, a former minister in the Keating government, now researching a PhD on preselection procedures, was quoted in the April edition of the Bulletin

*His research reinforced the view that Western Australia’s Labor Party had the most “crooked” preselection of any ALP branch. “Local branch members have no say in preselection, there is no sense of democracy in WA . . .”*

I say to the Greens (WA) that these are the people with whom they are negotiating. I think Hon Chrissy Sharp was out of the chamber when I reflected on the fact that she had spoken of Hon Jim McGinty and how he kept his word. She said that was laudable, and I agree with her, if he did. That is marvellous. However, I suggested that it might have been in the Greens’ interests to also ask similar questions of Hon Dr Geoff Gallop. They may have found something completely different.

**Hon Ken Travers:** No, they wouldn’t.

**Hon RAY HALLIGAN:** They may have. What do we have about the guarantee of the five seats in the Mining and Pastoral Region? The difficulty is the logical and rational arguments, as I see them. The Greens do not necessarily have to agree with them. All I ask is that the Greens respond to them. If the Greens think we are wrong or know we are wrong and they have evidence that we are wrong, they should tell us. All the evidence before us suggests that the Greens, through their balance of power, are going down a path of causing this government to enter into agreements that are definitely not in the best interests of Western Australians, particularly those in the Mining and Pastoral Region; yet we have this unfortunate, holier-than-thou attitude about the balance of power: this is what the Greens (WA) have done; Labor could not have done it alone; they needed the Greens, and they have in fact given the government direction; they have shown the government what it needs to do; the Greens’ way is the only true way. That is the way it is coming across. Hon Chrissy Sharp can shake her head, but I suggest she read some of the comments in *Hansard*, because that is what I feel is going through the minds of the Greens’ members at present. I spoke earlier about the fact that fairness and democracy are an important part of the bill that we are being asked to support, which the majority of us on this side of the chamber will not support. Hon Christine Sharp said that the Greens (WA) had spoken to academics about different theories and other issues and had decided that this was the best thing for Western Australia. At that time, I suggested that the Greens should broaden the group of people to whom they spoke about this issue. I will read from another document titled “Democracy in Australia”, which is written by John Kilcullen.

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**The PRESIDENT:** Order! I trust that this will address a specific clause or change and that it is not a second reading contribution.

**Hon RAY HALLIGAN:** It is not a second reading contribution. It will demonstrate that the definition of democracy in the minds of some is not necessarily the definition of democracy in the minds of others. I want to pinpoint certain things because it is my belief that the Greens are coming from a particular position -

**Hon Ken Travers:** That is a second reading speech.

**Hon RAY HALLIGAN:** I am trying to convince members that they should not support the third reading of the bill. I will be brief, Mr President. This document refers to the Australian political system, but I do not believe that the principles differ from those that we are debating. It reads -

The Australian political system is in some ways democratic, and in some ways not.

That is what I am trying to explain to members of the Greens. It continues -

The undemocratic features include bicameralism, federalism, monarchy, and some others. In calling certain features undemocratic I don't necessarily mean they're bad.

Everyone has been saying that everything has to be democratic, but no-one has provided a definition of "democratic". This argument states that if something is undemocratic, that does not mean that it is necessarily bad. That is the view I am trying to get across to the Greens. It continues -

My own view is that democracy (in the sense of deciding by majority vote) is not an absolute or basic political value. There is no guarantee that democratic decision making will produce justice for racial, linguistic, religious and other **minorities**, or that it will produce just and wise decisions about relations **with other nations** (e.g. on war, trading policies), or about environmental questions and other matters affecting the **interests of future generations**. Democracy needs to be tempered by culture or by institutions, e.g. by a liberal legal tradition, by education, by a Bill of Rights (perhaps), by special representation ("over" - representation by democratic standards) of minorities, etc.

I seek leave to table the document.

Leave granted. [See paper 338.]

**Hon RAY HALLIGAN:** I am suggesting that there are different ways of describing what is democratic. I am also trying to establish whether this bill provides a form of democracy. Some members have argued that that is the case. All I am suggesting is that it is not a matter of people suddenly saying we must accept what is before us because everything else before it was absolutely wrong. I am suggesting that that was definitely not the case.

Earlier I mentioned unintended consequences and cause and effect. We must take that into consideration, no matter what piece of legislation we are considering. Cause and effect are all important. Admittedly there is the theory and, as Hon Murray Criddle mentioned, there is the practice. If people have had experience in this area, if they have seen the theory in practice, often they can provide some insight into the likely consequences of the decisions we will make. That is why a number of members indicated that some of Hon Peter Foss's arguments should have been heard, albeit not necessarily embraced at that time; however, if members could not embrace them at that time, they should talk to others about his arguments because they often contain a great deal of truth. It is a matter not of playing one person off against the other but of trying to convince people that our arguments are valid.

We are talking also about votes within the regions and districts of this state, and they are all important in this chamber. We have talked about one vote, one value. As we know, for this bill to become law, an absolute majority is required in this place, which means that at least one of our members on this side of the chamber will have to vote with the government and the Greens. Voting is all important. I am sure you, Mr President, will be aware, even if no other member of this chamber is, that in 1649 one vote cost King Charles I of England his head. Unintended consequences! There is a story that, in 1776, one vote gave America the English language rather than the German language. In 1875 a one-vote margin changed France from a monarchy to a republic. Votes are all important. Each and every person's vote in this chamber is important.

**Hon Ken Travers:** Your preselection was won by one vote.

**Hon RAY HALLIGAN:** It was; absolutely. I am not denying that but I am here, and that is all that matters. Members are aware of the saying that if we do not learn from past mistakes we are doomed to repeat them. With that, given the cause and effect and unintended consequences, I ask members to have a very hard look at themselves and at the bill we are being asked to support.

One of the coalition members on the government side of the chamber does not know how democracy works and has shown that in his or her own party. The other party of that coalition does not want to know what democracy

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means. That is most unfortunate for the people of Western Australia. When we vote, members should take all those things into consideration; that is, unintended consequences and cause and effect, because, again you will be aware, Mr President, that in 1923 one vote gave Adolf Hitler leadership of the Nazi Party, and we know where that led!

**HON GEORGE CASH (North Metropolitan)** [4.48 pm]: I rise at the third reading stage of this bill to comment on the bill as it has emerged from the committee stage. Members will be aware that, during the second reading debate, I stated my strident opposition to the bill, given its impact and effect on country Western Australia. I also expressed my disappointment that the Liberal Party did not take up the many offers extended to it by the government to take its place at the negotiating table to discuss the previously stated intentions of the Labor Party to introduce the one vote, one value system into Western Australia. It is my view, and it is a view shared by many organisational Liberal members, that a place at the negotiating table would have enabled the Liberal Party to better influence the outcome of the legislation, which will significantly reduce country representation in the Legislative Assembly. We have now seen the result of the Greens (WA) having accepted the government's offer to take a position at the negotiating table, because the Greens, by their actions at the negotiating table, have been able to have a huge influence and impact on the future structure and composition of the Legislative Assembly and the Legislative Council and the number of members of both houses who will be our country representatives. The continuing involvement of the Greens in maintaining an ongoing dialogue with the Labor government has enabled the Greens to continue to influence the bill during the committee stage. As we now know, many of the Greens' amendments were agreed to by the government as a direct consequence of their ongoing and obviously fruitful negotiations.

In the committee stage the Liberal Party moved many amendments. It is now history that they were not accepted by either the Greens or the Labor government. That was to be expected as, regrettably, the Liberal Party was not part of the dialogue at the negotiating table. The facts are clear. The Greens took up the offer that was made by the government to all parties. It has meant that the Greens have been able to successfully embed themselves in the future fabric of the Legislative Council and to significantly influence what I believe to be a disastrous outcome for Legislative Assembly boundaries. The failure of the Liberal Party - I include our former and, I hope, future coalition partner, the National Party - to enter into negotiations to influence the outcome of the bill presented to the house will be shown to have been a costly mistake made at the expense of country Western Australia. Regrettably, it will show that the failure to negotiate prevented the Liberal Party from mitigating the damage being perpetrated on our constituents across Western Australia, particularly in the Agricultural and South West Regions, where the Greens and Labor have abolished at least six and possibly seven seats in the Legislative Assembly. It is lamentable that the Liberal Party failed to listen to the wisdom of some of its senior parliamentary and organisational members who believed there was a need to be, and a benefit to be gained from being, at the negotiating table seeking solutions to the problems presented by the bill, rather than burying our heads in the sand and pretending that the problem was either not there or would miraculously disappear. In practice, the problem proved to be real, and it was our country seats that disappeared.

I congratulate the Leader of the Opposition in the Legislative Council, Hon Norman Moore, and Hon Peter Foss for the gallant, persistent and vigorous manner in which they led the debate in this chamber on behalf of the opposition to try to save Legislative Assembly seats in the Agricultural and South West Regions. It is a great pity that some members of the Liberal Party did not listen to the propositions and recommendations made by Hon Norman Moore to get involved in the negotiations and take a place at the negotiating table in an express effort to offer positive input and to mitigate the damage that the Greens' and Labor's legislation will now do to country Western Australia. Hon Norman Moore and Hon Peter Foss argued our case with guts, determination, passion and commitment. Both are long-standing members of the Parliament and both have shown over the years that they know how to achieve the best outcome for the Liberal Party when they are authorised to enter into negotiations on behalf of the Liberal Party. In my view, the decision to not negotiate effectively tied their hands behind their backs. I have been in the Parliament of Western Australia for more than 20 years. During that time I have witnessed the fact that Hon Norman Moore and Hon Peter Foss - both of whom are former ministers of the crown of eight years' standing - are the most competent parliamentary negotiators on behalf of the Liberal Party. I have admired the fact that over a long period both Hon Norman Moore and Hon Peter Foss have demonstrated that they could come up with win-win arrangements for the Liberal Party and for the community of Western Australia. Directing them not to negotiate with the government has meant that this bill has emerged from the committee stages as a disgraceful and disastrous piece of legislation for this country. Even in the committee stages, the Greens' ongoing negotiations with the government meant that they were able to succeed with even more of their disastrous amendments. There is no doubt that the Greens have negotiated themselves into a position in which they will be embedded in the fabric of the Legislative Council, and it is all because they took their place at the negotiating table. Apart from the damage done in the Agricultural and South West Regions in particular by the abolition of six and possibly seven Legislative Assembly seats, we as a party

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have potentially destroyed the parliamentary careers of a number of our recently elected Legislative Assembly members in the South West and Agricultural Regions. I was delighted by the Liberal Party members who were elected at the last election to represent the South West and Agricultural Regions in the Legislative Assembly. I thought that their election would significantly strengthen the capacity of the Liberal Party to move forward as a political party in Western Australia. If one looks at the background and the experience of those members, one can see that they are undoubtedly well equipped, well qualified, highly experienced and community based and that they have the political capacity that would have underpinned the Liberal Party's return to the Treasury bench. Our failure to negotiate and listen to the wisdom and experience of Hon Norman Moore will cost us dearly as a political party when this bill passes.

Again, the bill, as it emerged from the committee stage, embeds the Greens (WA) in the Legislative Council with the balance of power: they will be the green tail that wags the Labor dog. The Greens (WA) will now have the capacity to decide the future course of legislation in Western Australia. The only glimmer of hope at the moment is for the two major parties to recognise that the green tail is wagging the Labor dog and that that in itself is not good for the long-term interests of our state. I am hopeful that the impact of the current debacle can be ameliorated by a willingness of the major parties to sit down together in the future with a view to revisiting and reconsidering the electoral laws in Western Australia. Clearly, the six or seven Legislative Assembly seats that will be abolished in the Agricultural and South West Regions are gone forever because we failed to use our skills and negotiate and act in a responsible manner to mitigate the damage to country Western Australia.

Although I have expressed my disappointment at our lamentable failure to negotiate, I happen to be an eternal optimist and I believe that there is still room to revisit the electoral laws. The decision by the government to quarantine the five Legislative Assembly seats in the Mining and Pastoral Region, with only 68 500 electors, is a gross distortion of the pure one vote, one value theory. The quarantining of those Legislative Assembly seats has added to the number of Legislative Assembly seats that will be abolished from the Agricultural and South West Regions. Given that in a political sense a greater preponderance of conservative voters are found in the Agricultural and South West Regions, the quarantining of the five Legislative Assembly seats in the Mining and Pastoral Regions will compound the already adverse effect to be visited upon the Liberal and National Parties in the Agricultural and South West Regions. Let us hope that this bill that creates a particular mathematical model is not the model that finally determines the electoral boundaries for the Legislative Assembly and the Legislative Council at the next election. Let us hope that if and when we, as the Liberal Party, are next invited as a political party to discuss changes to the electoral laws in WA, we will recognise that we have an obligation to speak out loudly at the negotiating table on behalf of the constituents in this great state of ours. I suggest that we, as parliamentary representatives of the Liberal Party, owe a great debt to our loyal supporters in country WA and the metropolitan area, and that they deserve to be represented at the negotiating table. Mr President, I assume that you have gathered from my comments that I unequivocally oppose the bill.

**HON ROBYN MCSWEENEY (South West) [5.00 pm]:** This is the third reading of a process that will become known, among other things, as "turf warfare in Western Australia", previously known as one vote, one value or electoral reform. The third reading stage of this bill in the other house was guillotined, and many of my south west colleagues upon whom the bill will have most effect were stopped from having their say. That is Labor's democracy in action. These were the south west members who were newly elected at the recent election and will be fighting for a seat at the next election; that is why I said "turf warfare". Democracy can be, and has been, manipulated to the detriment of country Western Australia.

I do not intend to go over what I have already placed on the record. The deal has been done - or has it? There may be a small window of opportunity; one never knows until the third reading vote is taken.

I am extremely sad for my area and for the members who will lose their seats because the country depends upon representation. The new Legislative Assembly south west members are shaping up to be very good parliamentarians from what I have seen of them so far. The sympathies I hold extend only to my side of the house. I find it difficult to come to terms with so-called Country Labor, which is a country Labor that never existed in the first place. The Greens (WA) have always been outrageous in their views, and are just another extension of the left of the Labor Party. I do not have a problem with their attitude: they are consistent with their leftie views, bioregions, tree canopies etc. Hon Christine Sharp thanked Jim McGinty. Why? This man has wasted millions of taxpayers' dollars on attacking our democratic principles.

Like Hon George Cash, I also thank Hon Peter Foss for all his work in trying to stop this bill via the legal system. Not many people realise the many hours that Hon Peter Foss put into trying to stop this process. Mr McGinty's proposal is against fairness and equity. This government has been very, very slimy in not letting the public of Western Australia know what they are in for. I know that people in my area in the south west feel that they are directly under attack, and they are quite right to think that way. This government will create a city-centric Parliament in not only the other place, but also our house. I said before that this chamber will not

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become a senate-style chamber with regional representation. The Labor Party is already stacking its side with union members and members who do not know the regions. Union members are placed in here simply because they are union members, and they are expected to represent regions they have no idea about. What makes the Greens think that this place will become a senate-style chamber? It will not, as it will be stacked on the Labor side by city-centric people. City people do not understand the country. They do not live there. They have trouble understanding the vast differences between the city and the country. This is not democracy, nor is it proper representation.

Hon Kim Chance said yesterday that he could not quite understand why the opposition was going on about distance. Distance is a problem for country politicians. I came back from China on Anzac Day, raced through customs, drove three hours home, presented the Anzac wreath, went out that night and came up to Perth the next morning for Parliament. This government is passing legislation by exhaustion. On the Friday night I drove home. Maybe I was silly. Fair enough, I should have stayed in Perth for the night, but I wanted to get home. At 10.30 I stopped on the side of the road near Bunbury and had a bit of a sleep before continuing to drive home. It is very dangerous. That is what country politicians do. They are very dedicated.

**Hon Kim Chance:** Tell me all about it.

**Hon ROBYN McSWEENEY:** Yes, I am. However, the Leader of the House has said that distance does not matter in this instance. It does.

**Hon Kim Chance:** No, what I am saying is that no amount of weighting in the Electoral Act will make Albany any closer to Perth. The two issues are not connected.

**Hon ROBYN McSWEENEY:** They are connected. I have a different point of view from the Leader of the House. The Legislative Council sat for 16 hours yesterday. Most of us had about three or four hours sleep. Tonight I will drive back home. Where is the government's duty of care? I thought I would throw that in.

The provision of services in the country depends on local politicians. Do members remember what happened when the government tried to take away Moora District Hospital? Everywhere the Premier went he was presented with a brick. Country people would not let the government forget that it was taking away their services.

**Hon Kim Chance:** It was a very good campaign, and ultimately successful.

**Hon ROBYN McSWEENEY:** Yes, it was. Every politician in the Agricultural Region fought very hard to keep that hospital. If that pressure were not felt in Parliament and from the public, services would go by the board. It is no good saying they would not, because they would. The South West Region currently has 11 members. This bill will probably cut that to seven. They are all very different regions.

**Hon Kim Chance:** I think you are getting 18.

**Hon ROBYN McSWEENEY:** I am talking about lower house members. I was not talking about the upper house; I have not got there yet.

**Hon Barry House:** 18 to 14.

**Hon ROBYN McSWEENEY:** Exactly. The government should try closing a school. Most politicians are very diligent about schools. Bridgetown cannot get a bypass road built because the government closed the railway. Hon Christine Sharp has mentioned the railway line. She held a public meeting one night to say that the railway line should not close. This bill will take members from the South West Region. Country politicians deal with a range of things. I could mention other examples concerning port facilities and social justice issues.

The Mining and Pastoral Region will be quarantined because its seats are favourable to Labor. However, the provision of five seats in that region is probably not set in concrete, knowing the Labor Party. The city will be given eight extra seats to the detriment of the South West and Agricultural Regions. The South West Region currently has 11 Assembly seats, seven of which are held by the Liberal Party, one by the National Party and three by Labor. It does not take a Rhodes scholar to work out why the Labor Party wants to redirect those boundaries. Perhaps it takes a Rhodes scholar and an Attorney General! The Labor Party can say all it likes, but the Electoral Distribution Commissioners will draw up the new boundaries. However, the government will have a persuasive say in where those boundaries will go because of the principles that have been established in this bill. Or should I say lack of principles? The answer is yes, I should. This bill is about keeping the Labor Party in power.

Our state is different from all the other states. If we listened to Labor and the Greens when they speak about Western Australia, we would think that they were talking about something the size of Tasmania rather than a state of 2 225 000 square kilometres. I query why the government wants to change the composition of the

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Legislative Council, the house of review. I believe the government did not want the current number of members in this house to change, but that it was prepared to forgo its so-called principles to get the vote of the Greens (WA). What is the purpose of the six-by-six model? It is Greens rhetoric. The Greens (WA) say they do not gain an advantage under the proposed system, but my calculations show that they will. The irony is that they will gain an advantage in the city rather than in the country regions. This legislation is about irony and has come about only through a certain set of circumstances that I will not go into. Country people from Albany to Mandurah in the Agricultural Region will suffer at the expense of the city. I say again that it is a very sad day for Western Australia. Reform should never be done in this way. I believe country people now know that this government has no boundaries where arrogance is concerned.

**HON BARRY HOUSE (South West)** [5.10 pm]: I oppose this bill at the third reading stage on the basis of several factors. My major concern is the effect it will have on country representation, particularly for the south west of Western Australia, which is the area I represent. That region is the biggest loser in this exercise. Projections indicate that in the south west the number of lower house seats will be reduced from 11 to eight, and the number of upper house seats will reduce from seven to six. Another factor in the equation is projections indicate that the South West Region will expand into some areas of the Agricultural Region that were previously included in the South West Region. The latest distribution took from the South West Region Boddington and Boyup Brook, among others, but I understand that the current projections - I know they are fuzzy - indicate that some of those areas will possibly revert to the South West Region. That will mean fewer members must cover an even greater area of the south west, which concerns me greatly and has made me very angry at various stages over the past few weeks, as members might have noticed. I am very disappointed with the situation and am very concerned about the future of the area from not only my perspective as a representative for the South West Region in this Parliament, but also the prospect of the good governance of Western Australia. The South West, Agricultural, and Mining and Pastoral Regions need to be well represented in this Parliament; otherwise, it will be a pale, old imitation of democracy if members do not have their finger on the pulse of local issues. Even if they do, they will be so badly outnumbered that they will lose every vote, whether it occurs in the party room or in the Parliament.

Another basis on which I oppose the third reading stage is that, frankly, this legislation is dishonest. It does not deliver what the government's public relations machine and the snake oil salesmen in the Department of the Premier and Cabinet have promoted. They have promoted to the general population the concept of one vote, one value on the motherhood principle; that is, nobody will oppose a motherhood statement. It is perfectly reasonable to tell everybody that there is nothing wrong with each person's vote being equal. That is easily accepted by everybody. However, the fact is that the legislation that we have ended up with provides anything but equality, as we have seen. It is dishonest in the sense that the Premier visited Kalgoorlie and told some blatant porkies, as it turned out. The Premier gave a guarantee that lasted for all of two weeks. It lasted only until 26 February. Every commitment and guarantee that the Premier had given went out the window at six o'clock on 26 February, when the polling booths closed and the poll results indicated - probably beyond the expectations of a lot of people - that this window of opportunity had opened and he had better grab it. The Premier and other members of his party then thought, "Forget about what we have been saying to the community of Western Australia; let us get in there and shaft whomever we need to shaft, and let us read the Graham Richardson book *Whatever it Takes*, and let us get the job done"; and that is exactly what has happened.

This bill is dishonest also because it introduces the concepts of large-district allowance and dummy voters. That will mean that some seats will have less than half the number of real people as have other seats throughout the state. That has no credibility whatsoever. As members have mentioned in this debate previously, it will take us back to the days when certain seats were given statutory backing on the basis of very small populations, thereby creating blatant gerrymanders, if we want to call them that. That lacked credibility, and this will also lack credibility.

I oppose the bill also on the basis that it will put more members of Parliament into the city. When and where has there been a campaign by city or country people, or by the Western Australian community at large, asking for more members of Parliament in the city? There has been no such demand. I would be very surprised if any member of Parliament anywhere in the past 40 years were able to produce a letter - or an e-mail, these days - or evidence of a telephone call or even a conversation that indicates that people have been asking for more members of Parliament to represent them in the city. This bill will deliver eight more members in the Legislative Assembly and one more member in the Legislative Council. No case has been made for that proposition. The outcome will be that city electorates such as Fremantle, the Minister for Electoral Affairs' electorate; Nedlands, the shadow Attorney General's electorate; Victoria Park, the Premier's electorate; and Cottesloe, the former Leader of the Opposition's electorate - we could go on and include Midland and various others - will become much easier to service because they will be three-quarters of their current size. I have never

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seen a legitimate case presented by members in the other place that they find it difficult to service their electorates. When this bill is passed, they will not even need a bicycle to service their electorates; they will be able to get around their electorates on a tricycle!

I oppose the bill also on the basis that there has been no effective process of consultation to find out what the public thinks about this issue. It was not an issue at the election, as the Leader of the Opposition in this place has clearly pointed out. The Premier told the people of Kalgoorlie before the election that the issue of one vote, one value was dead. I forget the exact words that he used, but there was certainly a big headline in the *Kalgoorlie Miner* saying that one vote, one value was dead, or words to that effect. Even prior to the election, when Hon Ljiljanna Ravlich was appointed Minister for Local Government and Regional Development, she visited that part of the world and assured the Kalgoorlie City Council, I think it was, that there was no case for one vote, one value legislation; the issue was dead. That was dishonest. There was no other process of consultation in the form of a referendum. The government saw fit to have a referendum on retail trading hours, and we saw the result of that at election time. If it had been genuine about consulting the people of Western Australia on one vote, one value, surely it would have considered a referendum. There has not even been a parliamentary committee or some sort of independent review to inquire into and report on the legislation in an objective way. I still have a bit of optimism left in me, and perhaps that optimism suggests that it is not too late for something like that to occur in the first 12 months of the new Parliament. Perhaps there will be time for some sort of process to be set up under the auspices of the Parliament so that the electoral laws can be examined properly and in an objective and reasonable way.

During the debate the Greens (WA) members claimed that they had engaged in some consultation mechanism to arrive at their position. However, they freely admitted that that consultation mechanism went only as far as the members of their own political movement. At best they attract about eight per cent of the overall vote across the state. Their political members are a small minority of zealous people with an extreme ideology. That is not a proper, objective, representative consultation process.

I also oppose the third reading on the basis that the legislation has been rammed down our throats in the past couple of weeks for political opportunism. I have mentioned that this window of opportunity presented itself and, as parliamentary members, we have had no option but to be here. As has been mentioned ad infinitum, the legislation was introduced not for proper motives but purely for political advantage, which was seized by the Labor Party and the Greens. There was no way they would let go of that political advantage. I will vote against the third reading of the bill. There was never any doubt that I would vote against the third reading.

I know that a suggestion that has been canvassed in this debate is that elements of the Liberal Party proposed that it could have and should have been at the negotiating table to try to get some changes to the bill. However, the unpalatable part of that exercise, which I could never swallow, would have been when I had to line up to vote for the third reading of the bill. The reason I took that position is that I do not believe the Minister for Electoral Affairs, Mr McGinty, would have taken seriously an approach from the Liberal Party. He had his numbers in the bag with the Greens and the Independent Mr Cadby, and he would not, in any way, shape or form, risk a diminution of his position of advantage by entering into discussions with the arch enemy, the Liberal Party. I admire people's optimism in thinking that the case may have been different. Quite frankly, I believe it would have been naive to think that. There was no way that the Attorney General would give a sucker an even break. That is exactly how he plays his politics, and in this case we are certainly the losers in terms of how the legislation will play itself out.

As I said previously, for me the most important impact of this legislation will be on the south west. I could never show my face in the electorate I represent if I ultimately lined up on the same side as the Australian Labor Party or, even worse, on the same side as the Greens (WA) when the final vote is taken for this bill. I ask once again: how can Hon Adele Farina and Hon Christine Sharp - and you, Mr President, although I guess you do not have to because you will not be in this place in a couple of weeks - who have been part of this process adequately explain their position to people in the south west? I guess Hon Christine Sharp does not have to explain it either because she will also be away in a few short weeks.

There are a couple of other remarks I would like to make but, quite frankly, I am not sure whether I should make them. I will make them, but I do not want them to be taken in the wrong context. This debate has been pretty acrimonious at times and some harsh things have been said. It appears that a few remarks I made from time to time upset a few people. The first thing I must say to that is: quite frankly, what do members expect? I appreciate that members have come into this chamber with a passionate view to present; that is acknowledged, and good luck to them. However, the legislation has been very divisive and members who have been in that position should also appreciate that other members in the chamber have very passionate views that do not coincide with theirs.

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**The PRESIDENT:** I remind the member that this third reading debate is not a right of reply to other members' speeches, particularly the contributions to the second reading debate. This debate is to address the bill as it has emerged from the committee stage.

**Hon BARRY HOUSE:** I take your advice, Mr President. You are probably doing me a favour because I might put my foot in it.

It appears that the bill will pass with the support of the Labor Party, the five Greens and Mr Cadby, the Independent. I have already said a few things about the situation involving Mr Cadby. First, I very strongly respect his right to exercise his vote as he sees fit; I would not wish to change that right in any way. It is probably likely that Alan and I will never be the closest of friends in the future, but I certainly will not hold any permanent grudge against him, as we have been elected to this place to do a job. I just see the issue differently from the way he sees it. I continue to appeal to Hon Alan Cadby, even at this very late stage, to dip into his conscience and have a last look at where his support base came from to put him in this place in the first instance. That support base, of course, strongly supports the course of action that will result in me lining up on one side of the chamber. Regrettably, he will line up on the other side. Nevertheless, I will shake his hand and wish him well at the end of this process. I could pose the question: what if the situation were different? We were in a similar little window of opportunity, with the roles reversed, early in 1997 when some very controversial legislation was pushed through the house before the composition of the Legislative Council changed. Quite frankly, I regret that now. At the time it was not very comfortable, but the end result was not worth what we went through. However, the response from the other side of politics then was in marked contrast to the response to the current situation members will see from my side of politics. We have not seen, during the course of this debate in the past couple of weeks - and we will not see - thugs coming into this place taking over the chamber and trying to close the process.

We all know what happens to Labor members who vote against their party or have been disendorsed - they are instantly thrown out of the Labor Party. I think the last one was Mr Ron Thompson. It is hypothetical, I know, but in recent years we have seen Hon Mark Nevill and Hon Sam Piantadosi spend their last few years in this chamber as Independents.

**The PRESIDENT:** Order! I trust the member is relating this to the bill. The wayward nature of members of various parties may be at a slight tangent to the question at hand.

**Hon BARRY HOUSE:** Mr President, I will leave the rest unsaid, and allow members to fill in the gaps about where I might have gone with that topic, but I will take your advice and concentrate on the third reading. I vehemently oppose this legislation for all the reasons I have outlined. It is a retrograde step for representative democracy in Western Australia, and it is certainly a retrograde step for the representation the south west will have in this chamber.

**HON BILL STRETCH (South West) [5.32 pm]:** It is very sad for me to have to oppose this legislation on the third reading, because I would rather the legislation were not here at all. I cannot say that it is illegitimate in its form, because it has been properly introduced and passed through the processes of this Parliament. The timing of the process, I must say, reeks of political opportunism but, as Hon Barry House said, it is no Robinson Crusoe, because the industrial relations legislation was of a similar nature. As he rightly pointed out, extreme legislation from either side has either short-term or long-term consequences. We saw the fairly short-term consequences of the industrial relations legislation, and it was very quickly reversed after the change of government, so no long-term damage was done. As I pointed out earlier, and I will take this opportunity to repeat the point without going over the debate, this legislation is a generational change to the political administration of Western Australia. What is likely to be passed tonight will affect the state for probably the next 25 years. It will certainly have an impact for a very long time to come; I hope it is not that long. If it is, it certainly will not worry me personally, although it will greatly worry my family. Much has been said in the debate, some of it acrimonious, but most of it very well reasoned. The debates that have taken place have been of a very high standard indeed. Most members have kept very much to the point and, Mr President, I will endeavour to do the same.

I am a great collector of sayings, ditties, dictums and things that imprint on my mind from time to time. In a debate like this the words of Voltaire come to the fore. Although my memory is not as good as it should be, I think he said -

I disapprove of what you say, but I will fight to the death to defend your right to say it.

I believe that encapsulates very neatly the opposing views of all sides in this house. The Labor Party has the long-held view that its side of politics has been oppressed by the conservative side of politics. Labor members feel that the working people whom they used to represent were downtrodden by their cruel masters. At times we hear the story of the Tolpuddle martyrs and all sorts of parallels from times gone by, all of which are now totally



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irrelevant. That is epitomised by the falling union membership that supports the Labor Party, which no longer represents the average working man today.

**The PRESIDENT:** Order! I trust the member will get beyond the Tolpuddle martyrs to the particular aspects of the current bill.

**Hon BILL STRETCH:** I have left them miles behind, where they should be left, I can assure you, Mr President. However, I am pointing out that a debate like this, particularly on the third reading, concentrates the minds of political parties on particular places. I pointed out to the house the philosophy with which the Labor Party has approached this legislation. We on this side of the house see the legislation as an extreme move. We believe that the government has attempted through this legislation to move the situation too far to the left, in a similar vein in which it thought that we moved the industrial relations legislation of the 1990s too far to the right. In retrospect it is possible that we did. We possibly should have learnt from history, because the section 43D legislation back in Bill Hassell's time also stirred the pot to such an extent and caused such anger that it was quickly reversed.

I will get back to the point. The Greens (WA) take a different view from the other two parties. I cannot speak for all the Greens, but certainly to the credit of Hon Christine Sharp, she tried to take a statesman-like attitude to the legislation. She certainly paid some attention to the creation of better legislation that would serve the whole of Western Australia. I certainly subscribe to that philosophy. I have always seen it as my job in this house to try to improve the representation of ordinary, hardworking people. I have no particular conflict with any party's stand on this legislation. I accept it as part of political life. We are faced with making the best we can with this legislation.

I recall some advice I was given very early in my political career, after being elected to this place. This sage of political life and a very senior federal figure said to me, "Remember, my boy, there is no such thing in politics as a permanent enemy." That is well worth remembering. There is another less noble saying, with unfortunate connotations, that politics makes uncomfortable bedfellows at times, and we have seen that in this Parliament during this debate.

In this third reading debate we have a confluence of opinion that has led to what Mrs Thatcher used to call the unfortunate consequence of an over-concentration on compromise. The art of good compromise is to avoid the usual result of everybody getting a little bit of what they want and no-one getting all of what they want. In most cases that is fine, but there are times when it is very difficult to limit the damage in the longer term.

As I said in the second reading debate, this legislation will create a very powerful political animal that will have the potential for the government to manipulate boundaries. The guidelines it sets for the Electoral Distribution Commissioners will give them nowhere to move, except along the lines indicated by the government. It will take a very strong Electoral Distribution Commissioner to take a totally eagle's eye view of the state as a whole and say, "I am not interested in your political aspirations; I am interested in delivering fair basic boundaries that will end up with no more than, say, a 55 or 45 per cent chance of one side governing." That is what the ultimate aim should be. It may be there in fine print and is evident when reading between the lines. What is missing in this legislation is a commitment that at the end of the day we must end up with a political game which both sides have a chance of winning. If the government does not create that sort of a contest, good people who should be representing the state will not come forward. Nobody comes into this place for a guaranteed hiding, and that was a genuine complaint made in the earlier stages of the debate in this house. It was illustrated by the Leader of the Opposition when he said that when he first came to this house there was an imbalance of 26 to 7 and that was probably far too much. I do not know what will be the wash up from this legislation.

I am branded as a Liberal and, therefore, it is said that I have no understanding of working people. However, that is a very false accusation. It is one that has been thrown at me and it is unfair. I believe I have worked as hard as any person in the workplace. I am proud of that. I have a great deal of empathy for the so-called labouring people of Western Australia. I am one of them and always have been. I make no differentiation. I take the old-fashioned view that industry and the state prosper when there is a partnership of both sides of politics and the workforce. If that is not the case, no-one goes ahead.

I know something of sayings, but I will not go into them, Mr President.

**The PRESIDENT:** I was hoping that the member would not continue along the lines of personal political philosophy but would address more precisely the issue at hand.

**Hon BILL STRETCH:** Absolutely. For instance, I will not go down the line of making the parallel of a good economy being seen as a healthy horse drawing a sturdy wagon, a saying attributed to the great statesman Sir Winston Churchill. I will leave that one alone.

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**The PRESIDENT:** Of course, I normally regret these interruptions to Hon Bill Stretch, because then he repeats what he has just said before going on to what he was going to say at any rate.

**Hon BILL STRETCH:** Did I, Mr President? I do apologise. I return to the comments of the Premier when he went to Kalgoorlie - the famous guarantee that one vote, one value was a dead issue; it was off the agenda. Rural Western Australia heaved a sigh of relief. It lasted two weeks and then it was broken. The guarantee reminds me of a time when I had a truck engine blow up and I went into a truck wrecker to buy a replacement engine. I asked, "Do I get a guarantee with this?" He said, "Yes, mate, you do. I guarantee to load it on your trailer and see you out the front gate. That's the extent of your guarantee." I think that is about what the Premier's guarantee was worth. It was a political statement made for a political purpose. It was not worth the airspace and certainly not worth the newsprint it was given.

Some members claim that one vote, one value is a dead issue in the country. It is not. This very day I received correspondence from the Shire of Bruce Rock, and it indicates some of the issues in country life. It was written on 3 May and I received it this afternoon.

**The PRESIDENT:** Order! I trust that the communiqué from the Shire of Bruce Rock is relevant to amendments made in the committee stage; otherwise, we do not want it read.

**Hon BILL STRETCH:** Absolutely, Mr President. I certainly will not read it or table it or anything of the sort. The Shire of Bruce Rock is actually in the electorate of my good friend and colleague Hon Bruce Donaldson, who also will not breach standing orders in a similar way but may be able to obliquely refer to this important matter in his own inimitable fashion. However, it relates directly to the legislation, because we have taken electoral representatives from areas such as Bruce Rock, and the people there are very rightly concerned. Therefore, it is not a dead issue, and they are imploring us, even at this stage, to do what we can to change the minds of the people who have some power to redirect this legislation.

Country people are angry. I disagree with the Leader of the House. It is an issue that is raised with me all the time. People ask me what I can do to stop this legislation. I say that I fear I can do very little. I have talked to the house. I have talked to my friend Hon Alan Cadby. I regard him as a friend. I always have and I hope I always will. I have the deepest respect for his ability and his intellect, and I deeply regret that he will not be in this house to shape the future of education in Western Australia. There may be a comeback. Lazarus was not really dead. We live in hope. However, country people are angry. They feel that they have been disfranchised. They feel that they have virtually had the guts torn out of their electoral representation. However, they will continue to feed and clothe the people of this state. They will produce the coal and the gas that supply our electricity and switch on our lights when we turn on the switch.

**Hon Barry House:** Sometimes.

**Hon BILL STRETCH:** We will not go too far down that path, because then I would be grossly moving away from the President's instruction.

**Hon Robyn McSweeney** interjected.

**Hon BILL STRETCH:** I have been here long enough to be able to feel my way in the dark, so my honourable colleague should take nothing for granted. They will continue to produce the coal and gas from the country regions that keep the state going, keep industry going and keep us comfortable, with lights and power in our homes and offices for televisions and computers. Members should not misunderstand and take for granted the contribution of country people to the state. I do not want to be melodramatic about it. In the early days, the farmers union, as it was then known, said that it would not get anywhere until farmers went on strike. I think there was a time when farmers brought their milk to Perth and poured it down the drains before visiting Midland to distribute free vats of milk to families whose children were disadvantaged. They did that to drive home the point that we are an integrated state and that we must be legislated for in an integrated fashion. We must consider the state as a whole. We must not use legislative means to differentiate between sides. However, that is precisely what this bill will do. We will put an imposition - it may be more perceived than real, but nevertheless it is a strong perception - on the people who provide such great services to the state. They do not appreciate being dropped on from a great height. Labor appreciated that point. It formed Country Labor (WA) to address the perception that Labor did not care about the country. Some of my good friends in the Labor Party have represented country areas over the years. They have genuinely carried out their job by representing all sectors of the community. This legislation does not represent all sectors of the community. In that way, the Labor Party is neglecting the duty that comes with being a major force in the Parliament of Western Australia. I do not know whether I will cite any more quotations, as apposite as they may be to the debate.

**Hon Derrick Tomlinson:** Go on!

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**The PRESIDENT:** Order, members! I am sure Hon Bill Stretch can hand them to Hon Derrick Tomlinson in due course.

**Hon BILL STRETCH:** Yes, indeed.

I have great respect - this will test your patience, Mr President; I ask for your forbearance for just a moment to explain - for the Indian tribes of North America.

**Hon Robyn McSweeney:** They have boundaries too.

**Hon BILL STRETCH:** Indeed they have boundaries. The tribes have a great deal of wisdom, which is passed on from generation to generation. One thing about the Indian tribes that relates to this issue is that one of their great sayings is that no man should judge another until he has walked two moons in his moccasins. Hon Derrick Tomlinson has immediately picked up the relevance of that remark. If members of the Labor Party had lived for a long time in the rural areas of Western Australia and walked in the moccasins of those who work in the regions and in the outlying areas of the regions, they would understand exactly how this legislation will affect them. The Dakota Indians, on the other hand -

**The PRESIDENT:** Order! I think one set of Indians might be sufficient during the third reading.

**Hon Derrick Tomlinson:** I was going to talk about aeroplanes.

**Hon BILL STRETCH:** Now Hon Derrick Tomlinson is upsetting me! I have totally lost the relevance of what I was saying.

**The PRESIDENT:** It is all right, Hon Bill Stretch; perhaps we will not go down that path.

**Hon BILL STRETCH:** The Dakota Indians had a saying that when a person discovers that they are riding a dead horse, the best strategy is to dismount. Again, Hon Derrick Tomlinson has picked -

**The PRESIDENT:** Order! I thought that was Hon George Cash's speech!

**Hon BILL STRETCH:** Was it? I apologise to my colleague.

I will get back to the dead horse. The Labor Party, Hon Jim McGinty and his team of strategists, which includes some notable people, realised that the Labor Party was riding a dead horse. They realised that their electoral support in the country was falling away, they were losing seats and their only way forward was to form an amalgamation. Given the numbers on the government side of the house, we can understand the predicament the Labor Party was facing should the Greens have chosen to abstain or vote on this side of the house. The horse was not dead but it certainly had a good-sized bellyache and was not going too well!

I refer again to the Dakota Indians. What steps does one take when riding a dead horse? Over the years governments have worked on many ways to overcome this. Some of the options offered were: buy a stronger whip, appoint a committee to study the horse or lower the standard so that the dead horse could be included. What are we doing?

**The PRESIDENT:** Order! We are not talking to the third reading.

**Hon BILL STRETCH:** On the contrary, Mr President, we are talking directly to the legislation and the third reading. I am pointing out why we are dealing now with the third reading stage of this bill. We are considering various ways of resurrecting a dead horse. We have lowered the standards: we have introduced dummy voters. Is that lowering the standards so that people can be included? Do you see the somewhat subtle point, Mr President?

**The PRESIDENT:** Order! I take Hon Bill Stretch's point that that is a point relevant to the third reading, and I am pleased that we have chalked one up.

**Hon BILL STRETCH:** I shall now chalk up another option, which is to reclassify the dead horse -

Several members interjected.

**Hon BILL STRETCH:** I wish the members beside me would keep quiet. I have told them how much time I spent visiting colleges in England, which rely on the treatment of horses to finance their operations. Equine studies are very big.

Another option is to reclassify the dead horse as living impaired! We have heard much gobbledegook and doublespeak. In his inimitable fashion, using George Orwell's novel *1984*, Hon Peter Foss explained that what is being said in the legislation is not what is being said at all: we are saying good things are good and bad things are good, but they are not really because good things are bad and bad things are good. It was a notable speech, which totally confused us all but it was apposite and his point was clear.

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Much in this legislation has been reclassified and redrafted. I refer again to the dummy voters. We have converted by "Newspeak" 100 000 square kilometres to 1.5 per cent of whatever. It is a strange concept. It is a long way from the concept of one vote, one value or fair electoral representation.

**Hon Paddy Embry:** There is something funny in the peace pipe smoking.

**Hon BILL STRETCH:** Does Hon Paddy Embry think so?

**Hon Paddy Embry:** Something funny!

**Hon BILL STRETCH:** I will not go down that path; that brings to mind several other things that were referred to in the second reading debate, which I could be tempted to summarise, but I will not do that.

Having reclassified the dead horse as simply living impaired, there is another option; namely, that of hiring outside contractors to ride the dead horse! Will that work?

**The PRESIDENT:** Order! Pardon me, would the member like to explain what clause of the bill that relates to?

**Hon BILL STRETCH:** If it were not so buried in the other quotations -

**Hon Derrick Tomlinson:** It is under clause 16H - H for horse.

**Hon BILL STRETCH:** I am advised by my consultant, sir, that clause 16H is the relevant clause. Coincidentally, the H stands for horse! We can see the connection.

The reference in my notes is to hire an outside contractor to ride the dead horse! I will not go down that track, but I say that the Labor Party has hired assistance in the form of another smaller party that has enabled it to revive this political dead horse and turn it into legislation, which will bring the horse back to life in some brilliant reincarnation.

**Hon Robyn McSweeney** interjected.

**Hon BILL STRETCH:** I do not think that is fair.

I will not go down the track of harnessing several dead horses to increase the speed, because that is not totally relevant.

**The PRESIDENT:** Order! I do not think it is relevant at all.

**Hon BILL STRETCH:** No, sir. We have looked at doing a productivity study to see whether lighter riders would improve the dead horse's performance. All sorts of computations and permutations have been undertaken to see whether the load could be lightened in certain areas. The conclusion was that they would not work either; they would simply impose more weight on the horse and if we could have made a dead horse deader, that would have done it. That idea was discarded, so the Labor Party returned to the earlier tactic of relying on the Greens.

**The PRESIDENT:** Order! Members will understand at this stage my announcement that I will leave the chair until the ringing of the bells at seven o'clock.

*Sitting suspended from 6.00 to 7.00 pm*

**Hon BILL STRETCH:** Members will recall that before the dinner suspension I was making some most apposite remarks about proposed section 16H of the bill. I will explore a little of some of the other issues that were raised that need comment in this third reading debate.

We were discussing animals of the equine class. I will not pursue that much further. However, we discussed the financial implications of the bill, the difference changing the make-up of the two houses would make and what the cost of the extra seats would be. One of the advantages the government saw in providing a strategy for dead horses was that a dead horse does not have to be fed! If seats are abolished, members do not have to be paid. There will be lower overheads, which would contribute substantially to the bottom line of the economy. We are assured that the economic effects of this legislation do not matter at all; that they are trivial. It is all very well to say that but it will have some effect. There was considerable argument in the house about that. It brought into focus that so much of this bill had not been researched in fine detail and that it was a philosophical exercise to achieve a particular political objective. It was not particularly well researched at all. The government was blinded by the irresistible opportunity to make massive changes to the political structure of the state while the peculiar circumstances of the electoral system as it is today allowed; in other words, the window of opportunity between the expiry of the terms of current members of this house and the election of the new members of the house.

During the second reading debate there was some talk of sporting analogies. I mentioned football and the moving of the goalposts, which is what happens in the bill under proposed section 16K, "Power of

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Commissioners to modify boundaries of districts". This bill provides a totally changed set of circumstances and new challenges to all political parties. The height of the hurdles has been increased greatly. The bill will present special and new challenges to all political parties as they try to exert their particular influence on the political system of the state. That is one of the facts of political life. Things will change from time to time. In my view, this change has taken the pendulum far too much to the left. As I said before, it gives absolute power to the Labor Party side of politics to adjust boundaries to the extent that it is virtually guaranteed the Treasury bench for a very long time; certainly two elections. It presents the conservative side of politics with an enormous challenge. The conservatives must win far more seats than was the case before the passing of this legislation. They will rely on the inherent anger building up in the community. Sadly, most of the anger will build up in the country areas, where the political clout of the conservatives has been diminished by the legislation. To a certain extent, the Labor Party has cleverly insulated itself from the will of rural Western Australia, which is the productive sector in the main.

Far be it from me to reignite the city versus country debate; I need not do so because that has been done by the government's legislation. Many city people have said to me that this does not represent a fair go for rural Western Australia. Going back no more than two generations, most Western Australians have strong ties with rural Western Australia. The urbanisation of the state occurred not so long ago that people have forgotten their country roots. It is significant that on long weekends and other holiday times, the road systems of the state are blocked with people escaping from the city back to the country. I recognise the attraction is partly the very fine wines and surf beaches in my electorate of the south west; however, many people head inland and to other areas where they still have close relatives, and they appreciate their chance to associate with their rural roots. A political party that ignores the close ties of people and their affinity with the land is flirting with danger. We have heard a lot about Aboriginal people's affinity with, and need to associate with, the land, but, equally, that affinity is very real for all Western Australians. I know that you would acknowledge that, Mr President, as you have heritage links in the Peel region. I have heritage links in the Kimberley and in Kojonup, where my family is in its fourth generation in a remarkably short time, in my view. We are still a very unified country.

On the third reading, I make a final appeal to the government and the Greens (WA) to recognise that this is divisive legislation. As with the industrial legislation that was rushed through Parliament in 1997, is this legislation really worth the political and social pain? Is the goal of unbridled power that the bill represents for the Labor Party proper? In other words, is it decent? Is it legitimate? By definition, if it is passed into law by Parliament, it is legitimate, but looking behind that process, is it decent, moral and proper legislation? From whatever way I look at it, I must say no. It is opportunistic and unfair. In the eyes of Labor Party members, the bill may redress injustices they either see or have dreamt up and expressed to the community. We on this side of the house have not heard the clamour for this reform legislation. Apart from the union movement and some dedicated Labor Party people, we have heard no clamour for this legislation at all. The harsh reality is that the few people who take politics seriously are dedicated, paid-up members of major and minor parties. The Greens people are very dedicated to their cause. I respect that, as I respect members of the Australian Democrats and One Nation and anyone else who holds a strong political belief. It is part of our birthright, but it is not the birthright of any political party to strongly push legislation to give itself an unfair advantage. I am afraid that the majority of people in Western Australia will see this as an unfair advantage. It has not been tested by public opinion. There has not been a referendum on the subject and it has not been tested in an electoral climate.

A lot has been said about a mandate. I do not believe it was ever a major issue, as instanced by Labor's Premier when he said before the election that one vote, one value was off the agenda. When the leader of the government says that it is off the agenda, the people take that as the end of it. The government can no longer legitimately claim that it has a mandate for one vote, one value, because its leader said two weeks before the election that it was off the agenda. Government members should have listened to what he said, watched his lips and read the *Kalgoorlie Miner*; no-one claims he was misrepresented or misreported. There is some argument about the durability of that promise. That is a facile argument. It is not an excuse that an average-thinking person would grant as legitimate. So, please, let us not hear any nonsense in the future about the government having a mandate for one vote, one value, because its leader had, by his own admission, taken it off the agenda. Country people rang me and said, "Whew, thank goodness for that; it was worth all that effort, all that money being spent and all that raising of funds to challenge the case in the High Court." A lot of effort had been put in by hundreds of people in the regions who were fighting for their legitimate right to a fair vote, to go about their business and the right to be heard.

You will be pleased to hear, Mr President, that I have buried the horse and declared it dead. I refer to the advice of my good friend Hon Paddy Embry who said, "I think that horse has expired; you had better take it away and bury it." Along with the dead horse, I would like the house, the Labor Party and all the people out there to understand that any mandate for one vote, one value was buried along with the horse. The Premier himself said

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the issue was dead; it was no longer on the agenda. Therefore, for the government to come out with the claptrap that it had a legitimate mandate for this legislation is just that. The issue was dead and buried, the people voted accordingly and Labor won government. It did not win by a great margin and a great number of seats, but I accept and acknowledge that it won. The blatant hypocrisy of introducing this legislation now, after the loss of that mandate, is overwhelming; it is mind-boggling that Labor should forget about its promise when it saw this window of opportunity. It is like the engine in my truck: the guarantee expired the minute I drove out the gate. That is all the Premier's promise was worth, but it was not assessed as such by the people who heard and read those words. It was taken to mean what he said it meant. In many cases the people voted on a false pretence, in a false belief that their government, based on the word of their Premier, would not proceed with this legislation. That in itself calls into question the legitimacy of the legislation and the morality of bringing the legislation forward in the face of those promises. Okay, we are in politics and members opposite say that these things happen. It is accepted that they happen. It is because these things happen that we now have such a low credibility rating in the public mind. I do not know the results of the latest survey, but politicians generally rank with car dealers near the bottom of the ratings, which I say with the deepest respect for my friend and colleague, Hon Frank Hough. We are regarded as unreliable people in an unreliable profession, which is a tragedy for Western Australia. This type of performance under this regime and in this climate brings the whole system into disrepute.

The government has won a Pyrrhic victory. I will be simply a voter as of 22 May, but I will do all I can in some small way to ensure that this legislation is overturned so that proper representation is returned to the regions. Throughout the various stages of the debate we have heard that the problems of representation can be overcome with all sorts of electronic whiz-bang devices, but that is not so. The true measure of people's confidence in their member of Parliament is built up when members work among the people. One of the great tragedies of Western Australian politics - one that I think needs addressing by future Parliaments - is the proportional representation system whereby people are no longer represented in this house by members who are elected by real people on the ground. When I stood as a candidate for this house in 1983, I had to campaign on the same basis as the candidates of the Legislative Assembly. I had to meet the majority of people and convince them that I was the appropriate representative. Since 1989, even though I have continued to campaign in a similar manner, I have had to concentrate that effort on smaller areas. Although the region is bigger, we must concentrate on smaller parts of it. We have lost personal contact with many of our voters. Proportional representation takes away power from the individual voter and delivers it to the party machines. How it works from then on is at the whim of the party machine. I have no great complaint with the quality of some of the candidates that have come forward. However, I have serious difficulty with the system because it allows members to be appointed by the faceless men and women of the party apparatchiks, and the people who vote for the candidates do not have a say in the selection of those candidates. I oppose the third reading of the bill.

**HON DERRICK TOMLINSON (East Metropolitan) [7.18 pm]:** Having eaten part of a dead horse for dinner, I rise to say neigh to the third reading! The bill should not be read for a third time for a very simple reason: it is bad legislation. It is based on a fallacy borne out of duplicity and shaped by inconsistent compromises. The result is bad legislation. No matter what members might think of the principle of electorates having, as near as possible, equal constituencies, this is bad legislation and will prove to be bad legislation.

I reviewed the debates of the past fortnight and tried to find some honesty in them. I found just two examples. The first example of honesty I found was when Hon Robin Chapple, on behalf of the Greens (WA) members, indicated their support for the Liberal Party amendment to change the short title of the bill; the One Vote One Value Bill is now the Electoral Amendment and Repeal Bill. That short title more correctly reflects the intent and content of the bill than did "One Vote One Value". The other example of honesty I found was the statement by Hon Ljiljanna Ravlich reported at page 730 of the *Hansard* of Wednesday, 27 April 2005. Hon Ljiljanna Ravlich made the honest statement, "We will do whatever it takes to progress our legislation . . .". Indeed, the government has done whatever it takes. It is a Labor Party dictum; it is the title of former Senator Richardson's biography - whatever it takes.

Much has been made of the failure of the Liberal Party to "come to the table". That will be discussed for a long time. I am of the opinion that we let ourselves down, we let our side down, by not entering into negotiations. However, let us contemplate what might have happened if we had. The phrase used is "come to the table". We did not come to the table. I imagine that there would have been two tables. There would not have been a round table with the Greens, the ALP, the National Party and the Liberals; there would have been two tables and there would have been two sets of separate negotiations. I was not aware of any overtures being made by anybody about negotiating any bill, but when I found out that the leadership of the Liberal Party had decided that it would not enter into dialogue, I asked one of the more Machiavellian members of the ALP whether he had at any time considered this type of model. The answer I got was, "Yes; that was one of several models that were on the table; however, your side refused to discuss it. Had you been prepared to discuss it, you know, we could have

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been done with the Greens for all time.” That is why I believe there would have been two tables, not one. Although that might be a consummation devoutly to be wished for, it is not a basis for legislation to elect a Parliament to make laws for the good order and governance of Western Australia. It is an unprincipled approach to the development of legislation. It is an unprincipled approach to public policy. If that was to be the basis of negotiation, then I am grateful that our party did not negotiate. I do not know whether it is a principle of the legislation before us that the series of compromises that led to the amendments being accepted were directed at making sure that the Liberal Party would be done for all time. I do not believe that the government has succeeded in doing that. The electoral redistribution will favour the government at the next election, and may assist it in being returned for a third term. I do not grieve about that. I do not like the prospect; I would prefer a different prospect, but I am a fatalist and I accept the prospect. I also know that the sun will rise tomorrow, and will continue to rise daily. It will rise on 22 May, and I will start a new career. It will rise on 23 May, and a new Legislative Council will be installed. The sun will continue to rise, and this institution will continue. The political cycle will continue to turn, although with differing philosophies. There will come a time when the coalition again holds the Treasury bench. We must be patient.

The legislation will enhance the prospect of the government being returned, and the prospect of the Greens (WA) holding three or four seats in this chamber. I listened to Hon Robin Chapple protest and ask for proof, saying that he thinks the Greens will win only one seat. That is a consummation to be wished for also, but I do not think it will happen. Any reading of trends in elections since 1989 for this house will show that. The Greens (WA) in the recent election had their best showing in the seats of Fremantle, Nedlands and Cottesloe, where they managed to attract 15 per cent of the vote - 35 per cent short of a majority. Overall, the Greens gained 7.8 per cent of the vote statewide. They managed to harvest sufficient preferences to return two members to this place. That will happen again; it is a highly probable mathematical expectation.

The fallacy on which this bill was based - one vote, one value - had been agreed to, at least by the Greens, because they accepted our amendment to change the title of the bill. As a result of that, if members accept that principle and if we agree that electorates with as near as practicable equal constituencies are desirable, there is a very strong argument that the electorates, particularly in the Legislative Assembly, should be as near as practicable constituencies of equal numbers. Do we have that in this bill? No. Why do we not have it? We do not have it because of a series of compromises. The Greens told us in debate that for a long time they have pursued the principle of equal constituencies. They have sought to import the Queensland gerrymander only on the principle that it created two electorates of equal constituencies, but when that Queensland multiplier of two per cent of the square kilometre land area was applied to the Western Australian electorate, they found that it distorted the seat of Kimberley in an unacceptable way. They therefore started - I think the phrase was - pulling levers to see what the effect would be on the large electorates. They proposed the multiplier of 0.015 times the square kilometres for districts larger than 100 000 square kilometres as the basis for equality. That multiplier - the laa laa or LDA, large-district allowance - served two purposes. It satisfied the Greens' concern about large electorates and satisfied the Australian Labor Party's undertaking that the five seats of the Mining and Pastoral Region would be protected. It also satisfied the Greens' objection to the protection of the five electorates in the Mining and Pastoral Region. It is a compromise based upon a fallacy. It is a compromise that satisfies a fundamental lie that the five electorates of the Mining and Pastoral Region will be protected. When the consequences of that compromise are projected across the whole of the state, the situation is so far removed from the principle of electorates of equal constituencies as to expose their fallacy and the unreliability of the compromise. A great deal has been made of the so-called state senate model, which involves dividing the state into six regions; three will be called metropolitan regions and three will be regions that reflect land use. Those six regions each will return six members of the Legislative Council. If members want to persist with the dichotomy of rural and metropolitan, which of course the Greens (WA) eschew, there is equal representation of rural and metropolitan. That is the state senate model. The only problem with that state senate model is that all six senators go out at the same time. They do not have staggered elections. According to the swing of the electoral pendulum, the number of members of the various parties on a proportional election system will change.

Did we ask the question: do we want proportional representation? We know that proportional representation is used in various Parliaments throughout the world, some of them more bizarre than others. Ours is a fairly simple model of proportional representation.

Did we at any time address the question of whether proportional representation was the most suitable method of electing members for this house? No, we simply built on the compromise of 1987. We did not address the fundamental question: what are the distinctive functions of the two houses, if they have distinctive functions? If they do have distinctive functions and we could agree on what those distinctive functions might be, did we then address the question of how we might elect the members to the two houses to reflect the different functions of the houses? We did not. We simply looked at a compromise that built upon the compromise of 1987. The government wanted two-by-three; the Greens wanted three-by-three with equal numbers of legislative

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councillors. The Greens had their way. Even when motions for amendment were moved, the government did not discuss the merits of the case. The parliamentary secretary sat at the table and said repeatedly, "We have an agreement with the Greens party and we will not divert from it."

If that is the legislative process - that an agreement is made behind the chamber and a pox on the houses of anybody who has not come to the table - then we have discredited the parliamentary process. We did not even ask that fundamental question.

**The PRESIDENT:** Order! I remind the member that he should obviously be reflecting in the third reading debate on what we did address, not what we did not address.

**Hon DERRICK TOMLINSON:** Because we did not address that fundamental question and others, we have legislation that is flawed. It is bad legislation that should not be read a third time.

There was a great deal of talk about entrenchment. What did we entrench? We entrenched the party system.

A government member interjected.

**Hon DERRICK TOMLINSON:** We did, because what is the proportional representation about? As I explained in my second reading contribution, which I will not rehash because the President will quite properly pull me up, we go to the election and we present the opportunity for people to vote for a party, and 98 per cent of the electorate votes for a party. Therefore, the proportion is the proportions amongst the parties. There is no other allocation of proportion; it is about the parties. What do we have? There has been so much argument on what this whole debate has been about. It has been about electoral advantage and electoral disadvantage for this party or that, and we have all argued from the point of self-interest and party interest - our electoral opportunity and our electoral disadvantage. We have a proportional representation that establishes this house as a party house. I listened to Hon Lynn MacLaren, with her United States perspective, ask why we do not show a bit of individualism, as is the experience, I think, in United States legislatures; but, no, we follow according to party caucuses. Did we ask the question? I know you will tell me, Mr President, that because it is something we did not ask, we should not talk about it now. However, it is another example of why this is bad legislation. It is legislation built upon and shaped by compromises to meet the requirements of a flawed foundation: one vote, one value. It is bad legislation. I anticipate that some time in the future it will be revisited. I sincerely hope that then we take a quite different approach. Certainly, we will have to accommodate different philosophies and different attitudes towards election processes. Politics is of that nature. We must accommodate the differences. I anticipate that in some golden future that will happen.

I have only a single satisfaction from this legislation: it expiates a guilt. I have always felt uncomfortable about the 1997 sitting of Parliament before 22 May to pass the industrial relations legislation. It was a very ugly moment of parliamentary history. However, it was an ugly moment of parliamentary history because it was a betrayal of an agreement confirmed in writing to Tony Cooke, who was the Secretary of the then Trades and Labor Council of WA - it is now called UnionsWA - that certain aspects of the industrial relations program that the government had been pursuing would not be pursued. That became the third wave. I sat and experienced the ugliness of the union demonstration here at Parliament House and across the road. I had given an undertaking to my party that I would support the legislation even though I had expressed unease about it. I have carried that guilt since 1997. That guilt is now expiated. To become platitudinous, two wrongs do not make a right; however, the same dissembling and dishonesty that underlay the 1997 sitting has been repeated here. Fortunately, much of the 1997 legislation was not proclaimed, and the part that was proclaimed was found to be unsafe, I think, by the High Court. The legislation for electoral reform, which was the basis of this unhealthy compromise on which we will soon cast a third reading vote, was also found to be unsafe by the High Court for different reasons. However, deals have been done behind the chair and we have been brought back to debate this issue. We have wasted time in debate because the obstinate position of the government has been: "We have an agreement with the Greens (WA) and we will not divert from that. We are happy with 65 per cent because we are patient." I think that is an offensive way of legislating. I thank the Labor Party and the Greens, because my guilt is expiated. I believe that this flawed Electoral Amendment and Repeal Bill should not be read a third time.

**HON BARBARA SCOTT (South Metropolitan) [7.47 pm]:** I oppose the third reading of the electoral repeal bill and I do so for a number of reasons. First, I have always felt that the One Vote One Value Bill, as it was when we went into this debate, was unfair to rural and remote Western Australians. I closely relate to the sentiment expressed by Hon Bill Stretch about the American Indians when he said that unless we had walked two miles in their moccasins, we would not know how they truly felt.

**Hon Paddy Embry:** You have, honourable member; you've experienced both.

**Hon BARBARA SCOTT:** Indeed. Given that I was born and bred in country Western Australia, I could not in all honesty have faced the Labor Party to do a deal on this legislation. The bill was introduced by the government, driven by a Premier who is from the country, who was then overruled by his city colleague Hon Jim



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McGinty. What has come out of the committee stage is a bill that is unfair and provides an illegitimate voting system for Western Australia. I have great sympathy with rural Western Australians. I know how they feel; I have lived, worked and breathed rural Western Australia. Rural Western Australians have not had the opportunity to be heard at any point in the passage of this bill; they have not been consulted. We have let them down very badly. Six or seven seats will be abolished in the Agricultural and South West Regions. Five seats will be quarantined in the Mining and Pastoral Region. That means reduced representation for the regions I know best. In my experience, they are some of the best regions in Western Australia - they are wealth producing. People in the regions will be marginalised and fragmented. Those people are hardworking Western Australians who want representation in the Parliament and access to their members. The result we are delivering in this chamber tonight will not mean fair representation for country Western Australians.

I have a copy of the *Kalgoorlie Miner* dated 12 February 2005, which carries the headline "Dead issue". It states, in part -

Premier Dr Geoff Gallop buried the controversial one-vote one-value electoral reform plan for the Goldfields when he flew into Kalgoorlie-Boulder yesterday.

That is the hypocrisy of the situation as I see it. It continues -

Despite consistently claiming the electoral changes were necessary to ensure equal representation between Perth and regional WA, Dr Gallop acknowledged the need to exempt five Legislative Assembly electorates in the Mining and Pastoral region, including Kalgoorlie and Murchison-Eyre.

As other speakers have said, now that we have reached the third reading stage we are delivering to Western Australians certainly not what they thought they were getting - one vote, one value, which I was always opposed to - but an unfair voting system that quarantines a region purely for political gain and the sake of the Labor Party's electoral gain.

I referred earlier to the European and Canadian situations. I emphasise the importance of a legal ruling from Canada in which Justice McLachlin stated in her judgment -

Factors such as geography, community, history, community interest and minority representation can be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic.

What this bill is delivering to Western Australians is certainly not a bill of integrity or honesty. It will not offer them effective representation or the diversity of our social mosaic. My origins in the Agricultural Region are from a small place called Burracoppin in the Shire of Westonia, and many people lived in those regions when I was growing up there. The populations have reduced as a result of the increasing sizes of farms, but that is not to say that such people still do not deserve fair representation in Parliament. With this dishonest legislation that will pass through this chamber tonight, those people - my family, my friends and those in the Agricultural and South West Regions in particular - will be disadvantaged so that people in Perth will have better access to members of Parliament. In Fremantle, where my office is located in the region I represent, people can walk to the offices of at least four members of Parliament. People in the Agricultural Region and South West Region will have far more difficulty getting their voices heard in parliament as a result of the electoral reform bill. I find that offensive. I also find it offensive that the Premier, who is of country origin, has let down people in rural Western Australia. People in regional and remote areas have become increasingly isolated. My heart goes out to hardworking people like those in the Isolated Children's Parents Association who try to represent the interests of their children in the isolation of their living and education arrangements. They are hardworking people in remote regions who battle for some fairness in the distribution of education and other services for their children. Those people have not been consulted on this legislation. Many of them probably thought that one vote, one value, as it was touted, meant that their vote would be more equal than the vote of people in the city. That is not the case.

Hon Christine Sharp in her third reading contribution tabled some information she received in response to a letter she wrote to a number of people. I refer to part of an opinion from Professor Greg Craven, who is a well-known constitutional lawyer and now the Executive Director of the John Curtin Institute of Public Policy. In reference to proposed section 16H, the exclusion provision, he wrote -

The exclusion by section 16H(3) of the Mining and Pastoral Region from the operations of the One Vote One Value principle undoubtedly is clumsy, and has the effect of detracting from the Bill's overt commitment to that principle.

That is an indication that that view of the bill is shared by many people this evening. A clumsy result has been achieved through this government's quarantining of five mining and pastoral seats without any guarantee that it

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will stick to its principle of an equal number of people in each region. It is hypocrisy at its worst. The letter from Greg Craven continues -

I note that, in so excluding the Mining and Pastoral Region from its general operations, the Bill does not require that electorates within the region should be approximately equal in size. This would mean that it theoretically would be possible to have gross disparities in the number of votes enrolled in each electorate within the region.

That is made very clear from the bill in its present form. It underlines the hypocrisy of the government's intention to not give rural Western Australians fair representation in this Parliament or fair access to their members of Parliament. This bill, including the deal that has been done with the Greens, is a purely political ploy and it lacks integrity in every sense of the word. My disappointment for Western Australian country voters is that the Liberal Party has lost two elections to this government that it perhaps ought to have won, and provided this window of opportunity, before the changeover to the new Legislative Council, for this government to introduce this very unfair legislation that will for a long, long time block the opportunity for Western Australians to have fair representation. The government cannot equate equal voting with fairness; it just does not work that way. That is what I have said each time I have spoken, because the equality of voting per se does not give effective representation.

I am not convinced that a deal would have been in the best interests of rural Western Australians, because my experience of country people is that they like to know what is on the table, they like to be consulted, and they like to know that it is a proper deal. I have an inkling that they would feel somewhat like I do; that is, if people do a deal with the devil they get a helluva deal. At this stage of the third reading, this legislation offers rural and remote Western Australians a helluva deal in the electoral system! I oppose the third reading.

**HON BRUCE DONALDSON (Agricultural)** [8.02 pm]: It will not come as any surprise that I firmly oppose the third reading of this bill. I have the trifecta, because I opposed the first reading, the second reading and now the third reading.

**The PRESIDENT:** The member will be all right doing that, provided he does not use the same speech for each of the three.

**Hon BRUCE DONALDSON:** If you would like, Mr President, I will provide my copy of the daily *Hansard* so that you can see that I will not be duplicating anything I have said.

The word "trifecta" suddenly dawned on me, because it has a very strong analogy with what this bill really does: it is about a horse and a trifecta! Before you say anything, Mr President, I am not going to be riding into the valley -

**The PRESIDENT:** As long as the honourable member keeps away from the animals and the moccasins.

**Hon BRUCE DONALDSON:** I assure you, Mr President, that what I am going to say epitomises this bill.

Paddy saw an advertisement in the local paper for a horse for sale for \$200, and he thought he would have a look at it. It turned out to be a scruffy looking thing owned by Luigi, a little Italian, out at Carabooda. Luigi said, "He's a bit scruffy and he no looka so good. But he's a very strong-willed horse that'll do whatever you want him to do." Paddy loaded him up and took him home in a horse float. Three days later Paddy rang Luigi and said, "This horse is almost blind", and Luigi said, "I did try to tell you, he no looka so good." At the end of the day that is what country Western Australians will find out. What this bill delivers will not look very good to them.

This bill is farcical in many ways. It started off as one vote, one value but that went down the gurgler. At least this house has done something correct by renaming the bill to something more appropriate. The country people would have wondered what we were doing in Parliament by creating legislation which was called the one vote, one value legislation but which did not represent true one vote, one value. I believe country people will view this bill as an attempt by the Labor Party and the Greens (WA) to take political advantage of the system. I often wonder about the so-called negotiating table. Consultation and negotiation can occur, but it does not necessarily mean that a fair model will be the result of sitting around a negotiating table. The Labor Party has had a particular ideology about the electoral system for a long time. Coupled with this ideology is the revenge factor that began in 1995 when Dr Gallop and the Minister for Electoral Affairs badly lost a case in the High Court over the malapportionment of the voting system in Western Australia. As I said earlier, they lost that badly and were sent home. It cost each sitting member of the Labor Party an awful lot of money to cover the cost of the case. During the previous Parliament the Labor Party again took a case on the issue to the High Court and, although the house passed electoral reform legislation, it was declared unlawful. Hon Peter Foss very clearly told members it was unlawful. After spending well over \$1 million of taxpayers' money, once again Mr McGinty was sent home. That case cost many country people a lot of money to defend, and they received no

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funding from the government. Mr McGinty, the artful dodger, has displayed his paranoia. I believe he intends to wreak revenge on country Western Australia and all of Western Australian society by taking this opportunity to almost sew up the next state election.

The Greens also suffer from the revenge factor. They were decimated at the last election when two of its five members failed to get elected. I stood in this house on a number of occasions and said that one of the last things I would do was make sure that no Greens member was elected to the Agricultural Region. I worked very hard to do that and I was damn proud that that happened. Two of my colleagues will be sitting in their place in this house in a couple of weeks.

What has happened to the representation in the lower house? The Agricultural Region will have four members; currently it has seven. Those four representatives will be elected by 21 000 electors. The two electorates of Moore and Roe will be given just over 1 000 so-called imaginary voters. Therefore, we will lose 10 000 electors from the Agricultural Region in the lower areas of Katanning, Wagin and other areas in the south west. People who know country or rural Western Australia will know that there is no correlation in land-use patterns, which is one of the factors that the commissioners must take into account under the bill, in Wagin and Dunsborough. Augusta-Margaret River is a little different from, say, Narrogin. The member for Roe is Dr Graham Jacobs, who lives in Esperance. The seat of Roe, on indicative drawings - I use the word "indicative" because the seat may end up a little different - stretches all the way to Merredin. I believe we will see a polarisation of votes in that region. I can assure members that the 13 000 or 14 000 who currently live in the electorate of Roe will want to support Dr Graham Jacobs. Under the new boundaries, the member could be Brendon Grylls, the current member for Merredin. He would get the vote from his area, because some of the Avon and Merredin areas would fall within the seat and he would be closer to those people than Dr Graham Jacobs. It is a pretty long haul from Merredin to Esperance. There is an expectation among people who live in the country, whether or not they like it, that they should be able to see their members of Parliament. I heard someone say in this house that he feels sorry for the member for Wanneroo. Why? It is a joke. I live close to that area, and I would not mind being the member for Wanneroo. It would be an absolute breeze compared with what members in rural areas of Western Australia must put up with. It is nothing for them to be away from their families seven days a week, and to spend half that time travelling. I see Hon Alan Cadby laughing, but I do not know whether he understands. I should have taken him to Ocean Reef and showed him how far it is from there to Jurien Bay.

**Hon Alan Cadby:** I was laughing at something Hon Murray Criddle did, not what you were saying.

**The PRESIDENT:** Order, members! It is not in order to laugh at the National Party representative!

**Hon BRUCE DONALDSON:** Thank you, Mr President; I have been saved.

It has been said, "She'll be right." There will be 21 000 electors in the four districts and that will take the total to 84 000 electors. I have just fought an election campaign in an electorate with 96 000 electors, and I thought: what happened to the other 10 000? Had they joined the army and maybe gone to Iraq to fight the good fight? Who knew? When I looked at the South West Region, I realised that its population had grown. I thought, "I bet that Hon Barry House has been encouraging the people who live in the bottom half of the Agricultural Region to move to Augusta-Margaret River, where the surf is good." We are just getting acquainted with the new areas of Boyup Brook, Tambellup, Boddington and half of Bridgetown and now those towns will not be in the Agricultural Region in three and a half or four years. I say to my colleagues that they may as well not go down there. They had better start looking at the other places they might have to represent. Regardless of where that might be, my colleagues will work very hard for the electorate, but knowing full well that by the time they build up a relationship with the electorate, it might change again - end of story.

The six-by-six model in the upper house is very interesting; in fact, I have given some very serious thought to the six-by-six model. It is very attractive indeed. It makes a nice even flow of numbers. We have gone into this so-called state senate model, which is great, because it leaves 18 people on staggered terms, like the senate. In each of the six regions, there would be three seats up for grabs every eight years. It is an eight-year term. It is now far better to have an eight-year term because there is no longer a superannuation scheme like there used to be. The old scheme, as members know, is closed. When proportional representation came in and the major parties realised that it was not the ant's pants, the major parties looked at staggered terms. They were concerned - probably rightly so - that after seven years and one day a member was entitled to a pension from the Parliament. If a member was defeated, or missed out on endorsement, he was out, with a nice pension after eight years, representing about 46 per cent of the base salary at the time. It could have led to the Parliament being quite undisciplined. If anybody says that a group of Independents can run a Parliament, they should remember - as I remember very vividly - how this whole Parliament, during the abortion debate, when members had a conscience vote, was destroyed for about three months. Nothing happened.

**Hon Jon Ford:** Was it like everyone being on an individual contract?

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**Hon BRUCE DONALDSON:** Yes - no! I know that I cannot get onto the subject of individual contracts, but I know that all the union members have voted for Australian workplace agreements in the electorate of the Minister for Fisheries. He should not get me started on that, because I know a little bit about it. I have been to BHP-Billiton, Robe River and Rio Tinto. The Minister for Fisheries tried to get me off the track, because the truth was coming out about how wrong it is to foist this bill on country Western Australia.

Then there was this great idea about imaginary voters, or dummy voters as they were called in the last attempt. Now there are large-area allowances. As has been pointed out by others, in one of the seats - it may be Murchison-Eyre - there are more imaginary voters than there are real electors. Great - this is the one vote, one value; very well done! It reminds me of some of the committees in the Legislative Assembly. They have a big map on the wall, and they throw the dart at the map, and wherever it lands - it might be South Africa - the members work out which standing committee should go there. They have a world map. It is not like this house, which is very responsible and authorises any travel by committees; and so it ought. That is very important because otherwise some members may travel far more than they should.

Geoff the magician went to Kalgoorlie and he had five little boxes. He put them down, threw a cloth over the top of them and said, "This is what I will give you". He pulled the cloth from the boxes, and there were only three boxes. He threw the cloth back over them, pulled it off, and there were five again. He said that he would safeguard the Mining and Pastoral Region. I believe that the Mining and Pastoral Region is entitled to that representation. I do not have a problem with five seats in the Mining and Pastoral Region.

What was one outcome that could have been achieved? I will not go into the substance of the next bill, but I will refer to some of the figures that were recently extracted. In 1890 the Parliament had 30 members for a population of 60 000 people. In 1901 the number of members was increased to 50 for a population of 189 000 people. These increases were brought into being by a Liberal or Country Party government. In 1965 the number of members was increased to 65 - an extra member - for a population that had increased by 865 000 people to 1.05 million. They were distributed so that half were country members and half were metropolitan members. In 1975 more people were gravitating towards the metropolitan area and the coastal strip. The state's population had increased by 100 000 people to 1.15 million people. In 1981, after the population had increased by 149 000 people, the big move was made. There were then 57 members for a population of 1.3 million people. Some incoming legislation will clearly show members that now, 23 years later, the population has increased by 670 000 people to 1.97 million people. We may be very generous. Legislation may come into the house that will have the effect of increasing the number of members of the Legislative Assembly from 57 to 59, which will be two members for those extra 670 000 people.

Western Australia is a great state with an extremely diverse economic base. Successive governments get into power and take credit for success, but if it were not for the huge mining and petroleum industries in Western Australia, the federal balance of payments deficit would look pretty sick. It had a \$23 billion surplus either last year or the year before. There was some talk among members that the number of Legislative Assembly seats should be increased from 57 to 65 - that is, by eight members - because in the next 10 years the population will possibly increase by another 300 000 people. Unfortunately, 80 per cent of those people will be living in the metropolitan area or along the coastal strip - traditionally within the metropolitan area. Mandurah will then become part of the metropolitan area. When I was in local government the Mandurah local authority always sat on the fence. For the purposes of some grants and other funding it would be a country electorate, but when it came to putting up its hand for funding from the other direction, it saw itself as representing an urban centre. It would camp in both places. I believe that, as legislators, we have made a bad mistake. Those eight seats could have been placed in the metropolitan area. I do not believe that anybody in the metropolitan area would have grizzled or groaned. I could not envisage any backlash if figures like that were presented to people, especially if it were a bipartisan arrangement. I believe it could have been achieved. It could have been done in such a way that it would meet the philosophy and ideology behind one vote, one value. If the government could accommodate the Mining and Pastoral Region, surely it could also accommodate the Agricultural Region and the South West Region along those lines. Certainly there would have been a far higher number of electors in each district than in the districts of the Mining and Pastoral Region. I have no doubt that after the next electoral distribution which, under normal circumstances would have taken place before the 2013 election, one member will come out of the Agricultural Region and another member will go into the South West Region. For example, at the last electoral distribution the Mining and Pastoral Region lost one member. People would not be too aggrieved about that. They would not like losing a member, but they would be realistic. After all, politicians, like car salesmen, are not the flavour of the month. If one happens to be both, he has a real problem.

I thought about how people generally feel. Many people who live in the metropolitan area or along the coastal fringe have a strong link to their country roots. I always find when talking to people that they have a brother, sister or uncle somewhere in the country. Some people have lived in Ravensthorpe; some may have lived in

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Wagin for a short time and gone to school there. I find the family linkages that go back to the land quite amazing. After all, many years ago over 50 per cent of this state's population lived in the country. Many city people have a very strong connection to the country, and that is one of the reasons we do not see people marching on the streets. All my friends who live within the Perth metropolitan area have never said that the city should have more members of Parliament and the country should have fewer. People who live in the rural and regional areas are entitled to have equity in representation rather than an equality of vote. These people do not have the same ideology as that professed by Labor and the Greens.

I was involved in bringing country and metropolitan local governments together under the Western Australian Municipal Association, now the Western Australian Local Government Association. The difference in population between the country and the metropolitan area was like chalk and cheese; yet, during the exercise of bringing the two associations together they did not once grizzle about the final representation on the association executive. The executive comprised five out of the old Country Shire Councils Association, five out of the WA Municipal Association, which covered the metropolitan councils, and two out of the Country Urban Councils Association.

**The PRESIDENT:** Order! I trust -

**Hon BRUCE DONALDSON:** I am drawing an analogy.

**The PRESIDENT:** Draw it in member, draw it in.

**Hon BRUCE DONALDSON:** There were seven country and five metropolitan representatives sitting around that table and there was not a push by either of the two groups for their representation to reflect the population base. Local government was mature enough to accept the fact that there were quite big differences in representation. Today, the Western Australian Local Government Association is successful.

I was also quite concerned when I looked at the "Western Australian State Election 2005 Preliminary Analysis of Results - Election Papers Series no. 1/2005". It includes a summary of percentage vote by electorate for the Legislative Assembly. It is interesting that the voter turnout for Central Kimberley-Pilbara was 68.8 per cent. One would think there is not compulsory voting in that seat. The voter turnout for Kalgoorlie was higher with 85.3 per cent; Kimberley, 70.6 per cent; Murchison-Eyre, 73.1 per cent; North West Coastal, 80.1 per cent - that is Hon Tom Stephens electorate.

**The PRESIDENT:** Order! I trust Hon Bruce Donaldson will relate this to some of these clauses.

**Hon BRUCE DONALDSON:** I certainly will. This bill has quarantined those five seats. It seems to me that the electors in those five seats need to lift their game if they want to benefit from what they have been given. The people from the mining and pastoral area will probably tell me that the rolls need cleansing or there is an apathy out there. Maybe we are giving those people too many politicians. I do not know. Something is wrong with the whole arrangement. I will not keep going for much longer, because we had a discussion that we would finish by 9.00 pm. However, I have got a bit carried away.

**Hon Ljiljanna Ravlich:** Tell us about it! Try to cut it back a bit.

**The PRESIDENT:** Order! Interjectors should not encourage the member to tell us about it.

**Hon BRUCE DONALDSON:** I have been waiting for Hon Ljiljanna Ravlich, the minister, to start commenting, because it does help me no end when I am making a speech and starting to flounder. However, I will say something very seriously. I commend the shadow Minister for Electoral Affairs, Hon Norman Moore, and people of the ilk of Hon George Cash and Hon Peter Foss, who I believe put a fairly good proposal to the Liberal Party. Unfortunately, the Liberal Party decided to put its head in the sand. I will never say that we did not succeed because we did not negotiate, because negotiation does not mean success at all. However, I think we should have at least moved down the pathway of looking at what is best for Western Australia. Quite frankly, I still believe that we would have been far better off to have put the eight seats from the country in the metropolitan area, and there would not have been any flak at all. I am also a great believer in split terms. I believe that is very important. I hope that at some stage in the future the major parties will be able to get together and maybe look at that. If not, so be it.

The Greens (WA), of course, are certainly trying to position themselves for the longer term. They were pretty disappointed when they were mauled and savaged at the last state election. The ones who are leaving - those who are either retiring or were not re-elected - are making sure that, following the 2009 election, the incoming members of the Greens will get the benefits of this bill. It has not been third read yet, of course; I know we are moving closer to it. I do not believe the bill will provide any real benefit to anyone, except the political advantage it will provide to the Greens and the Labor Party. I do not believe that that should be the basis or the catalyst for electoral reform. Good luck to them, but it will come back to bite them; it really will. As sure as the sun gets up in the morning, the Liberal Party will get back into government, and because Labor and the Greens

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did not entrench a few things, some changes will be made, believe me. I will not be here to do it, but I bet our replacements who sit in this house one day will do it.

**Hon Kim Chance:** And that should be Parliament's right.

**Hon BRUCE DONALDSON:** That is exactly right. I do not have a problem with that. I just hope that the next bout of electoral reform that takes place is on the basis of real consultation between the parties for the benefit of all Western Australians. Changing the electoral system will not help the wealth of this state one bit. We will not have extra services in the metropolitan area because extra members will be elected. That is a load of rubbish. In that sense, I do not believe in a correlation between the services; however, it is always a comfort to many people. Members of the wider community rubbish politicians six days out of seven or until a member of Parliament is able to help them in some small way. We are expected to consider new legislation, repeal existing legislation and to help achieve a better quality of life for all Western Australians. What we have done in this bill does not mean a lot. However, it has betrayed the people whom I represent. I know Hon Kim Chance has received letters from Mr Ian Brandenburg, who pleaded with the minister. In fact, he highlighted Hon Kim Chance's wonderful background in the farmers union and asked him to consider the matter seriously. As a minister of the crown and a member of the Labor Party, he could not do that. Had he done so, he would have been required to leave cabinet. I imagine the minister would have been forced to retire from the Labor Party and this Parliament.

I am very disappointed for the people in the South West and Agricultural Regions. They have been shafted, to put it mildly. I hope that some day and in some form this issue will be resurrected. I hope that the Legislative Council looks different in a few years. I hope too that the electoral system will cater for all Western Australians and ensure that they receive the benefits they ought to receive.

**HON ALAN CADBY (North Metropolitan) [8.36 pm]:** When we dealt with the different clauses of the bill, they received a variety of combinations of support from the different groupings in this house. That may be an indication that all of us in this place are supportive of some parts of the bill and unhappy with other parts the bill. It may also suggest that no-one here tonight supports the bill in its entirety. That is the position I hold. I acknowledge that the Liberal Party has been totally opposed to the third reading.

Over a long period, I have been involved with the political parties in negotiating the nature and shape of this legislation and the preferred outcome. The people to whom I have spoken have approached this difficult task in a professional manner. They have been motivated to represent the views and needs of their constituencies. Certainly other issues such as political advantage and self-interest have also been involved, but I am not critical of their conclusions. It is unlikely a full disclosure of those discussions in which I was involved will be made public. It is certainly not my intention to do so tonight. During my discussions, I gained the impression that even within party political groupings there has not been just one view on this legislation or the effect it will have on forthcoming elections. It is also been my impression that some members of this house have been disappointed with some of decisions that have been made by their leadership team. However, at the end of the day the decision making has been a democratic process. Everyone in those party groupings has had the opportunity to be involved in the dialogue and the final decision. In that sense, each of us here today owns the final decision of our respective groupings and shares the responsibility of the final outcome. As Hon Norman Moore stated today, there was still an opportunity for the Liberal Party to become involved in the changing nature of this bill even as late as last Tuesday. It is regrettable that the party room decided not to become involved in negotiations with the government despite the minister stating that it was not too late to join the Greens (WA) and me at the table. I strongly support the views of Hon George Cash in his statement about the Liberal Party's lack of involvement in the shaping of this bill. The Liberal Party's constituency needs to ask why it acted as it did and why it did not get involved in the dialogue, despite the many invitations and requests from the government. As I stated in the second reading debate, the consequences of the Liberal Party dealing itself out was to deal others in. The Liberal Party needs to accept that the final outcome of this bill is a direct result of its decision to not get involved. I am aware that many Liberal members of Parliament and members of the lay Liberal Party wanted to get involved in the negotiations but were prevented from doing so. Indeed, last Friday, after my speech in the second reading debate, the President of the Liberal Party, Danielle Blain, indicated to me that she would like Liberals to be at the negotiating table. Of course, she was not in a position to force her view on the parliamentary party - nor should she.

During my discussions I also gained the impression that within the parties who have members in both houses of Parliament there is conflict in terms of the political importance and relevance to our parliamentary process of the respective houses. This bill has certainly focused some attention on the current and future role of the Legislative Council. I believe this house plays a relevant and a vital role in our democratic parliamentary process.

I tell Hon Barry House that throughout my discussions with both the Greens (WA) and the government, I put forward strongly views that could be categorised as the Liberal point of view. Indeed, at every stage of our discussions I considered very strongly the effect the legislation will have on the Liberal Party and its

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constituency. Within the parameters of my own beliefs, I have debated for changes at every stage that would benefit the Liberal Party and its constituency. This is well known by the government, the Greens and Hon Norman Moore. With the President's indulgence, I invite those groups or individuals named to politely interject if I have not represented the situation accurately.

It is unfortunate for me that a wider audience does not know the whole story, but that is the nature of our private and confidential discussions. Misleading the electorate about my role and motivation in this process is cheap and unworthy of a member of this house. I am in no way trying to make excuses. At the end of the day, I believe I have done the right thing for my electorate, the North Metropolitan Region. I feel comfortable with my involvement. As only one member of this 34-member house, I am happy, pleased and proud of the decisions I will make today. Although I will have to settle for less than I actually want in the final shape of this bill, I will support the third reading of this bill.

**HON SUE ELLERY (South Metropolitan - Parliamentary Secretary)** [8.43 pm]: I thank members for their contributions in the debate today. All members have applied themselves with their normal dedication to the considerations we have gone through over the past two weeks. It is the case that some members have applied particular rigour to their considerations so that when the final vote is taken in a matter of minutes, they will know that the tests they have set themselves will have been met. The debate has been conducted generally with goodwill and good humour. We have had our moments of tension, low points and high drama. We should be worried if we did not have that because all members are defending the most important cornerstone of our way of life - democracy. Any debate about how we apply that in our electoral system ought to be vigorously conducted and we ought to settle for nothing less.

In my response to the second reading debate, I tried to encapsulate what I saw as the essential differences between us on the content of the bill. How do we strike the balance between the number of electors per geographic area so that the value of the vote is as close as possible to being equal, against ensuring the capacity of the representatives to provide adequate representation? As one moves in the direction of one aspect, it is harder to achieve the other. The argument has been: where is that balance reached? Clearly, the government thinks it has the balance right.

The question of capacity and the resources to represent has also been canvassed in the consideration of the bill. As part of the electoral reform package, the government is examining the possibility of increasing resources to enable members to better serve their electorates. In particular, the government is considering increased communication, staff and office accommodation for at least those members representing the large-area electorates. It is hoped that within a few months of the passage of the legislative package, the government will be in a position to announce changes to enhance the capacity of members to represent their electors, especially in large-area electorates. At the same time, Labor's caucus is reviewing the resources available to all MPs to carry out their duties. Changes are likely to include two electorate officers for some large electorates, further increased staffing and enhanced communication provisions. As these matters have not been resolved by the government, I am unable to provide further detail. However, if members have a particular proposition to put forward in this regard, the government is prepared to include them for consideration.

I turn now to make some remarks about the entrenchment provisions included in the bill through our considerations. Currently, reference is made to the number of districts in section 6(1) of the Electoral Distribution Act 1947 and section 19 of Constitution Acts Amendment Act 1899. Proposed section 16C in the bill corresponds with section 19 of the 1899 act. Neither section 16C nor section 19 are entrenched - they can both be amended by a simple majority. Proposed section 16H has exactly the same heading as section 6 of the 1947 act. In this context, proposed section 16H(2) requires the Electoral Distribution Commissioners to undertake a similar function by dividing the state into districts as is required by section 6(2) of the Electoral Distribution Act, being that the quotient tolerance is 15 per cent in section 6(2) and 10 per cent in proposed section 16H(2). However, both provisions are entrenched and require an absolute majority.

Hon Peter Foss suggested that to increase the number of members in the Legislative Assembly, which number is stipulated in section 19 of the 1899 act, would necessarily require an amendment, I presume, to section 6 of the 1947 act - specifically section 6(1)(a) and (b) - and therefore require an absolute majority. However, that is not correct. Firstly, as I pointed out to the Committee of the Whole, the number of members established by section 19 of the 1899 act is not referred to or set out in section 6 of the 1947 act. Second, although there may be some practical or historical linkage, the legislation in sections 6 and 19 does not establish a legally required or legally necessary linkage between the number of districts and the number of members. In this context, it is the government's view - unlike the view of Hon Peter Foss - that an amendment to section 19 to increase the number of members does not need to obtain an absolute majority. However, a linkage is established in section 19, and that linkage could be broken or changed by a simple majority. In this context, Hon Peter Foss postulated the possibility of enacting a proposal to have two members for every district. Although that proposal may be

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practically and politically unacceptable to some people, it remains legally possible to achieve by a simple majority. I refer here to amended section 19 of the 1899 act. Also, as I indicated to the Committee of the Whole, the provisions in the Electoral Distribution Act that now appear in the bill will be entrenched, although section 6(1), the basis for the division of the state into districts, does not appear in the bill. However, while the number of districts is not specifically enumerated in the bill, the comparable basis on which the division is to be carried out is, like section 6(2) of the act, entrenched in proposed section 16H(2). Consequently, for reasons both of law and policy - that is, that the Parliament of today ought not to be prevented by Parliaments past from deciding its own destiny - the government considers that the entrenchment provisions in section 16N, proposed by Hon Alan Cadby, achieves the correct and appropriate balance between issues that require an absolute majority and those that require a simple majority.

I now turn to one of the other issues that arose in consideration of the development of the bill, and that is the large-district allowance. This is the formula that will deliver recognition that large, remote seats need to be considered under separate criteria in that balancing act to which I referred earlier. It is not unreasonable to tip the balance a bit more in the favour of the capacity-to-represent side of the equation than the equal-number-of-votes side. The allowance will meet the commitment that was made by the Premier.

The model for the Legislative Council is not the government's preferred one. It is a compromise. It is not a mystery, it is not sinister and it is not corrupt. In the interests of enabling one vote, one value for 52 of the 57 seats in the Legislative Assembly, we reached an understanding with one of the only two parties - and I use the word parties with a small "p" - that turned up at the negotiating table to put the six by six model into the Council.

I also want to address Hon Norman Moore's comments about the basis for dividing the metropolitan districts into regions. The government's view is that the term "as nearly as practicable", as suggested by Hon Norman Moore, could impose on the Electoral Distribution Commissioners a greater requirement to focus on the number of districts in each region compared to the matters that the Electoral Distribution Commissioners are required to consider under proposed section 16J. The government's view is that the words in the bill, especially "approximately", may well enable the commissioners to create a better and more appropriate balance between those two issues. The current act neither limits nor prescribes the allocation of districts to regions. Despite this, the government notes that the commissioners have, since the introduction of regions in 1987, allocated districts to regions in proportion to the representation in those regions.

Mr President, I thank members for their contributions. I particularly want to thank the members of Greens (WA) and Hon Alan Cadby for their willingness to engage. I thank my leader, Hon Kim Chance, for his support, particularly in the past 24 hours. We are today taking a significant step towards delivering Western Australians a stronger democracy. I commend the bill to the house.

Question put and a division taken with the following result -

Ayes (18)

Hon Alan Cadby	Hon Adele Farina	Hon Lynn MacLaren	Hon Ken Travers
Hon Kim Chance	Hon Jon Ford	Hon Dee Margetts	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer ( <i>Teller</i> )
Hon Kate Doust	Hon Nick Griffiths	Hon Ljiljanna Ravlich	
Hon Sue Ellery	Hon Kevin Leahy	Hon Christine Sharp	

Noes (13)

Hon George Cash ( <i>Teller</i> )	Hon Ray Halligan	Hon Simon O'Brien	Hon Bruce Donaldson
Hon Murray Criddle	Hon Barry House	Hon Barbara Scott	
Hon Paddy Embry	Hon Robyn McSweeney	Hon Bill Stretch	
Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson	

Question thus passed with an absolute majority.

Bill read a third time and returned to the Assembly with amendments.