

STANDING COMMITTEE ON LEGISLATION

ELECTORAL AMENDMENT BILL 2001 ELECTORAL DISTRIBUTION REPEAL BILL 2001

**TRANSCRIPT OF EVIDENCE TAKEN
AT THE TOWN HALL, LESSER WAGIN,
SUNDAY, 4 NOVEMBER 2001**

TENTH SESSION

**Hon Jon Ford (Chairman)
Hon Giz Watson (Deputy Chairman)
Hon Kate Doust
Hon Paddy Embry
Hon Adele Farina
Hon Peter Foss
Hon W.N. Stretch (Substituted by Hon George Cash)**

The CHAIRMAN: That is the conclusion of our list of witnesses. Does anyone else want to make a statement? Thank you very much. Are there any questions from the floor?

Mr Dexter Rick (Narrogin): Several of the witnesses have referred to the possibility of a referendum being the ideal method of settling this matter. I was very impressed with the arguments put forward by the chief executive officer of the Wagin Shire as to why a referendum was not the ideal method of settling this matter. Would it be local, confined to the country areas, the city, the whole of Western Australia or Australia-wide? Could they be more detailed on that?

Hon GEORGE CASH: Any discussion of a referendum to date has been on the basis that it would be for the whole of Western Australia. That is what the Referendums Act provides. The big issue of course is the question itself. That often determines the balance, so to speak, of how people feel about something. You will know that in Australia, few referendums are carried when both major parties oppose them. Few are carried anyway because in Australia people do not necessarily trust those who are putting up the original question.

Mrs Susan McDougal: What avenues exist for people to put forward further comment to the committee?

The CHAIRMAN: Written submissions can be taken until 11 November. If you want to make submissions, Lisa Hanna can provide you with the details.

Mr Malcolm Gooding: If this is passed, the next time another political party finds itself in power and close to grabbing absolute power in both houses, will it try this again? The point I am getting at is that for a fundamental change to the way government functions in Australia, a political party that finds itself in a position of power can make a major change to the Constitution, as I believe this is, without putting it before the people. It sets a precedent each time a political party finds itself in a position that the Labor Party finds itself in now. To me it is unhealthy. History shows that with any party that stays in power for extra time, for example as occurred in Queensland. State Governments can be accused of losing the plot about why they are in office. It is a fundamental grab for political opportunity. If the Bill is passed, it should be condemned. Can you see that this could become the norm with each change of circumstance? Maybe every five, 15, 20 or 30 years the next political party will try exactly the same stunt to put itself in a stronger position of power rather than provide good government for the State and for the people. To me they are doing it for themselves.

Hon GEORGE CASH: That is very much a common statement. I am happy to try to respond from my party's perspective; that is, the Liberal Party. What you said in my view is correct. If this goes through, it could encourage some people to believe it was the way, so to speak, to disfranchise other sections of the community of a vote. We could end up narrowing it down, so that we give it to the people we thought would support us. The reality of this move is that 40 metropolitan seats will not need any rural seats to win government. I understand where you are coming from and agree that your proposition is a possibility. I do not know whether it will happen because I hope the people will say something in the meantime.

As to the other issue, I made a submission to the party supported by the Liberal Party to say that the Government must have an absolute majority in the upper House to get this through because it is a significant constitutional change and it should be put to the people. I asked the Government to go to the full court of the Supreme Court to get a ruling on whether this was a lawful Act, whether it was valid. The Government said it would not do that. I hope that in due course, with the support of the Greens (WA), if the Bills become Acts - there are two Bills - we will go back to the Supreme Court and ask it to determine whether the law is a valid law. The Liberal Party needs the support of other parties in the upper House to do that. We are working on it. The Greens have indicated informally to date that it is of the same view. The Greens believe it must be tested otherwise there will be a law that, on the face of it, is valid but void because the Government did not go through the right processes.

Hon PADDY EMBRY: I concur with what Hon George Cash just said on behalf of the One Nation Party.

Mr MacLean: I notice that only four people have asked questions. The other two on the committee have not asked questions. Is that a suggestion that they have already made up their minds or are they looking at this with an open mind?

Hon ADELE FARINA: You have heard from Hon George Cash that they have made up their minds, so is it unreasonable that because I have not asked a question, I have made up my mind? This process is to hear the submissions and to ask questions, if we have any questions arising from these submissions. The people who spoke today have been very eloquent in putting forward their views. In my mind, no question arose from the submission. I had no doubt in my mind about their position so I did not ask any questions.

Hon GIZ WATSON: I am here to hear what people have to say. The Greens (WA) is the only party to have put a position in public. That is the position of the party at this time.

Mr Hassell: Every submission today is opposed to this legislation. Were they confined to being only opposed to it or are submissions in favour of it permitted?

The CHAIRMAN: Are you talking generally in what we have heard?

Mr Hassell: Were submissions in favour of the legislation permitted?

The CHAIRMAN: Yes.

Mr MacLean: Have you received any?

The CHAIRMAN: Yes. The committee has not begun deliberations. It is limiting the written submissions. Once we begin deliberations, they will be finished. The committee will report to the House and the House will debate the report or it may choose to just debate the Bill.

Hon PADDY EMBRY: We have a number of other towns and bases at which we will hear submissions. We will be hearing submissions this afternoon, for example, and two more tomorrow. We start submissions next week from the city.

The CHAIRMAN: Yes, I should have mentioned that. We will visit three more regional centre towns and we will hold another hearing next week. The committee has resolved that if we get submissions from any other centre, we may decide to visit that centre also.

Committee adjourned at 12.00 pm.