

ELECTORAL REFORM — REPRESENTATION — REGIONS

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) [2.55 pm]: Today, I received within the prescribed time a letter from the Leader of the Opposition in the following terms —

Dear Speaker

Matter of Public Interest

I give notice that I will move as a Matter of Public Interest:

That this House condemns the Premier and his arrogant government for maintaining a sneaky agenda on electoral reform, cutting regional representation, and failing to take this critical issue to the 2021 State Election.

The matter appears —

Mr D.J. Kelly interjected.

The SPEAKER: Sorry, Minister for Water! It is highly disorderly to interject whilst the Speaker is speaking.

The matter appears to me to be in order. If at least five members stand in support of the matter being discussed —
[At least five members rose in their places.]

The SPEAKER: — and there are—the matter can proceed.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [2.56 pm]: I move —

That this house condemns the Premier and his arrogant government for maintaining a sneaky agenda on electoral reform, cutting regional representation, and failing to take this critical issue to the 2021 state election.

Several members interjected.

The SPEAKER: Order, please, members! I do not know how Hansard can hear the Leader of the Opposition because I cannot hear what she is saying. Please cease the interjections so that Hansard can record the proceedings and everyone in here can hear what is being said.

Ms M.J. DAVIES: Thank you, Madam Speaker. I will read it out again. I move —

That this house condemns the Premier and his arrogant government for maintaining a sneaky agenda on electoral reform, cutting regional representation, and failing to take this critical issue to the 2021 state election.

Today, on the back of the shock announcement that the Premier—in fact, I think it was the Attorney General—after the election, advised everyone that the government was going to pursue electoral reform, we have had it confirmed that this government will continue to attack regional representation in this Parliament, just like its predecessors did in the Carpenter–Gallop governments, to further reduce the voice of the people of Western Australia in this state’s Parliament.

The report released today, titled *Ministerial Expert Committee on Electoral Reform: Final report*, and the notice that legislation will be read into this Parliament to enact the majority of the report’s recommendations, puts the final nail in the coffin of any semblance of a view that this government has to look after regional Western Australia and make sure that it has a voice in this Parliament going forward. In 2008, the Labor government successfully ripped out of state Parliament six country seats and put them into the metropolitan area. It has doggedly pursued this reform and, because of the numbers in this place that it has been afforded by the public of Western Australia, it has now seen an opportunity, but it does not have a mandate because the Premier denied it again and again in the lead-up to the election. It is not as though he was not asked about it before the election. It is not as though the matter was not put to him: “Premier, are you going to pursue electoral reform?” He was asked multiple times. The Premier was given the opportunity to put this on the agenda. Do members think that he actually responded in an appropriate way? My answer to that is no.

His response was, “It is not on our agenda.” It was not in relation to group voting tickets that the Premier was asked that question; it was specifically in relation to a reduction of regional representatives in the state Parliament. The journalists and opposition members who asked those questions prior to the election were very, very clear because they knew that if the Labor Party had control of both houses of Parliament, the Premier would pursue this. That is why it is on the record and that is why it is so very disappointing. Now the government has been afforded this enormous majority, not once, but twice, and I can think of at least four times it has used that majority. I do not think anyone in Western Australia thought that they would see it being used for the purposes of pursuing an ideological argument that is based on a mathematical —

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

Point of Order

Mr R.S. LOVE: I cannot hear the Leader of the Opposition.

The DEPUTY SPEAKER: Neither can I, deputy leader. Members, silence, please. Carry on, Leader of the Opposition.

Debate Resumed

Ms M.J. DAVIES: It is an ideological argument that is basically formed out of a mathematical notion of equality. Several members interjected.

Ms M.J. DAVIES: That is what it is. This issue was debated back in 2008.

Mr T. Healy interjected.

The DEPUTY SPEAKER: Member for Southern River!

Ms M.J. DAVIES: Deputy Speaker, I am fine to take interjections because I would like the people of regional Western Australia to see just how seriously members opposite take this. They cannot argue the merits of it, so they choose to argue and point out issues like the Premier raised in question time instead.

Several members interjected.

Ms M.J. DAVIES: By all means get it on the record so that everyone can see just how arrogant you are when you come into this place without a mandate! Your own Premier denied that it was going to be an issue, and the Minister for Forestry is sitting there smiling. I can tell you that not only did he try to attack the forestry industry and is now bringing that to its knees, but he had a go at the rock lobster industry. None of that was taken to the people of the south west, was it?

Several members interjected.

The DEPUTY SPEAKER: Ministers!

Ms M.J. DAVIES: Do members opposite think the member for Warren–Blackwood was walking around the streets of her electorate telling everyone that the forestry industry was going to be on its knees if they voted for the Labor Party? The government has done exactly the same with this report. It has no mandate for it.

At the briefing from the expert panel that the opposition got at 10 o'clock this morning, which was just hours before notice was given that the legislation would be introduced, it was made very clear to us by the expert panel that it was given very narrow terms of reference. It was not allowed to consider the multiple submissions put in during the consultation period that supported the retention of the system as it is. It was simply unable to do that. Its instructions, as explained to us, were very clear. Its riding instructions from the government were that it must be equality at any cost.

Ms J.J. Shaw: That is disrespectful to the panel members.

Ms M.J. DAVIES: Let us talk about the panel members. I do not think it is disrespectful; they were given very, very narrow terms of reference. But before we get to the narrow terms of reference so that the government got the outcome it wanted, we will talk about the people who were on the panel. They are all on record prior to the election with a very particular view about one vote, one value and the issues that are canvassed in this report.

Mr D.J. Kelly interjected.

The DEPUTY SPEAKER: Minister!

Ms M.J. DAVIES: Really, the government has done nothing but pull together a number of people who already had a view that aligned to its view to deliver a report so that it could get an outcome with the veneer of consultation. It was anything but! The government has betrayed every regional Western Australian. It is going to reduce the number of people in this house. That is what has happened in other jurisdictions where this has been introduced: there has been a reduction of people who, with a particular interest, look at regional issues. That will be to the detriment of the whole state. The way the Legislative Assembly and Legislative Council operate were never, ever, in any jurisdiction in the Westminster system, designed to be the same. That is a fact. We now have this government pursuing one vote, one value and what it calls equality, which will be to the detriment of the ability of people to bring those issues from regional Western Australia to be advocated for, to be dealt with when we are dealing with legislation —

Several members interjected.

Ms M.J. DAVIES: Mr Deputy Speaker.

The DEPUTY SPEAKER: Members! Minister! Member for Southern River!

Ms M.J. DAVIES: Thank you, Deputy Speaker.

Extract from Hansard

[ASSEMBLY — Wednesday, 15 September 2021]

p3972d-3983a

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

I cannot imagine why this is a priority when we are dealing with so many challenging issues in this state. When our health system is on its knees, our housing sector is in a crisis, we have a crisis of skills and labour shortages across the state, and there is a global pandemic impacting our state, our nation and the world, why is the government pursuing this as its number one issue? That is what it was. That is what was introduced the moment when members opposite got to government and realised they had the numbers to do it. As I said when I stood up, the Labor government has form for ripping regional representation from the Parliament. It did it ahead of the 2008 election.

Ms S. Winton interjected.

Ms M.J. DAVIES: It does not matter who represents them, member. There will be fewer people representing regional areas.

Several members interjected.

The DEPUTY SPEAKER: Members!

Point of Order

Mr R.S. LOVE: The Leader of the Opposition has the floor and I believe that she should be heard in silence.

A government member: That's not a point of order.

The DEPUTY SPEAKER: Member, I will make that call, thank you very much. The leader did invite those interjections then. Leader, talk to the chair.

Debate Resumed

Ms M.J. DAVIES: I did. As I said before, Deputy Speaker, I am not only happy to hear the views of the backbenchers from the metropolitan area, but also very interested in the views of those Labor members who represent regional areas.

Mr R.S. Love: They're pretty quiet.

Ms M.J. DAVIES: They are very quiet. I am interested in how they are going to go out to their electorates and explain why their government thinks it is the right thing to do to reduce the number of regional representatives in this Parliament. Anyone who believes that there will be more need only look at what happened pre-2008 when six seats in regional Western Australia were ripped from the bush and added to the metropolitan area. This Labor Party has form for taking a regional representative and putting them into the metropolitan area. It will have long-lasting ramifications for the state, disenfranchising people in this state who are the furthest, most remote and disadvantaged because they will not be able to access the people who are supposed to advocate on their behalf.

Ms S. Winton interjected.

The DEPUTY SPEAKER: Member for Wanneroo!

Ms M.J. DAVIES: It is quite simply appalling. If members opposite had a shred of decency, as the Leader of the Liberal Party said, they would either take it to a referendum or they would wait and take it to the next election and just see how the people of Western Australia respond. However, we know they will not do that because they are now drunk on power with the numbers in both houses, determined to push through whatever agenda pops into the Premier's head, it would appear—whatever pops into his head at whatever time: “We don't need a mandate, we don't need election promises, we can do whatever we like”! That is what the Premier said today in question time when he answered the question about why it was not taken to the election and, worse, why he actually denied it. That is a question that every regional member in their electorate should put to their community: why did the Premier deny that and why are government members now all going to vote to reduce regional representation in this state Parliament?

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.08 pm]: I support the motion moved by the Leader of the Opposition —

That this house condemns the Premier and his arrogant government for maintaining a sneaky agenda on electoral reform, cutting regional representation, and failing to take this critical issue to the 2021 state election.

As we know, the Premier is on record before the last election. In a report of an interview by ABC news, with a photo of the former member for Albany standing behind him, the Premier repeatedly said that changes to regional representation were not on the agenda. The report states —

“It's not on our agenda—I've answered this question many times,” Mr McGowan said.

“We care deeply about country WA and the issues of jobs, health, education, important infrastructure are the sorts of things we will implement.

“This is just another smokescreen by the Liberals and Nationals.”

Mr McGowan said he supported “enhanced regional representation” ...

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p3972d-3983a

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

I would like to know how he supports enhanced regional representation when the group that he commissioned to do the report has come up with a system in which there will be no regional representation. This is the report that has been used to form the basis of the legislation —

Several members interjected.

The DEPUTY SPEAKER: Member for Mount Lawley! Member for Moore, talk to the chair, please. You are inviting interjections. If you do not want interjections, talk to me; if you do want them, carry on the way you are going.

Mr R.S. LOVE: I will talk to you, Deputy Speaker. You make much more sense than the mob behind me!

This is the report that the legislation was based on. I turn to page 22 and read a direct quote from it. It states —

To achieve electoral equality, section 16H of the Act would have to be amended so that the metropolitan boundary and land use definitions of the regions are removed.

In other words, the regions will be gone from the act altogether. There will be no regional representation. The Premier was not telling the truth when he said he supported enhanced regional representation. He knows that once we remove the regional boundaries, and the Perth metropolitan boundary, it will also affect the distribution of lower house seats. We will see an attack on regional representation, not only in the upper house, but also in the lower house, through normal electoral redistribution processes that will not face the barrier of the Perth metropolitan boundary that currently exists in the act. If I am wrong on that, I will be pleased to hear about it from the Attorney General. But if that is, indeed, what he is planning to do—that is what it says in this report—then we will see that the enhanced regional representation that the Premier spoke about will not happen, and we will see a complete lack of representation for country voters going forward.

We also heard that there will be representation from 36 members of Parliament instead of the 18 members that currently represent regional areas. This will be achieved by members being representative of the whole state. Constituents will not have access to those MPs. There will be 36 members who they do not know and who will never bother going out to their areas. How on earth are they going to have a relationship with those people? They will not be representing electorates; they will be representing political parties in the house. They will not be representing an electorate or voters. They will be elected by the whole of the state, on the basis of their party preselecting them. That is how they will be selected. It will have nothing to do with their situation within the region, and nothing to do with their performance in their electorate. It will not be representation of the regions and it will not be representation of country people. Members will be representing the best interests of their own party. No doubt the government has plenty of people who are ready to fill those places; that is probably why we are not hearing anything from the government's regional representatives. Did any of the government's regional representatives go out before the election and tell people that they hoped to enact legislation to reduce regional representation? No; none of them did. Are any of them going to actively support the Liberal Party, the Nationals WA and all the other parties when we oppose these so-called reforms? No, they are not, because we heard the Premier say that he will not give them the democratic right to have a say. He is going to bar them from the right of a conscience vote. The government talks about enhancing democracy through this process; it is actually divorcing people from their representatives by creating a large group of faceless representatives who people will never have access to and never see. We know that they will never go out into the regions.

When we asked committee members today if they had bothered to go to the regions to listen to the people there, they said it was pointless to do so. They said they would not bother, because it was pointless. No doubt, in future, members of Parliament will think it is pointless to go to the regions. They will not go out there to seek the views of regional people; it will be pointless to do so, because there will be more votes in the city. Why would they waste their time driving all the way to Kununurra if they can just go down the street to Carine and talk to 15 times as many people? This is where the government is going, and it has done so in a way that was deceitful in the first place, because it said that it would not put this on the agenda. But as soon as it had a majority in the other place, it worked its way through this ruthless, well-planned attack on democracy.

Mr M. McGowan: It's democracy.

Mr R.S. LOVE: No, it is an attack on democracy; it is not democracy. The Premier said one thing and he is doing another. That is not democracy. If you felt the need to protect democracy, you would put this to the people again, through an election, a referendum or plebiscite on this matter. You would give people a choice. You are not doing that, because you know that this is a once-in-a-lifetime opportunity. You have grasped the golden ball and you are going to run with it. The government is getting what the Labor Party has always wanted; it has been in its policy manual for years. We all know that. We all know that the Premier was not telling the truth when he said that this was not on his agenda. It is very much on the agenda of the ALP and always has been. Electoral reform is there, in black and white. Everyone knows what the Labor Party had on its agenda, except the people of Western Australia, to whom the government deceitfully said before the election that it did not have this on its agenda.

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

Further to the ruthless carriage of this matter, there is also the way the government has treated the house of review already. We have seen the reduction in its standing orders. A house of review is supposed to be able to go through legislation in some detail. The government has forced through rules and standing orders for that place that will result in it having less opportunity to debate issues than we do in this place. In fact, under the standing orders that are now in place, government ministers can rule a matter as urgent and virtually guillotine debate on any issue. They will not have to justify that in any way; they will just have to declare something as urgent and off they go. That is the process the government has put in place for a house of review. That is shameless.

I was not really surprised to see a lot of what was included in the *Ministerial Expert Committee on Electoral Reform: Final report*, because there was a previous report written by three of the academics involved in this report, plus one other. It was published in an edition of the *Australasian Parliamentary Review*, and has virtually all of the ministerial expert committee's report in it. If we wanted to know what was going to be in the committee's final report, we could have just read the first report. The government put a committee in place, but it knew the answer before it had begun the process.

MR P.J. RUNDLE (Roe) [3.16 pm]: I rise to support the Leader of the Opposition's motion that this house condemns the Premier and his arrogant government for maintaining a sneaky agenda on electoral reform, cutting regional representation, and failing to take this critical issue to the 2021 state election. What a disgrace. The Premier and the Attorney General came into this place one day after the opening of the forty-first Parliament and put this matter on the agenda, after they had accompanied the former member for Albany, Peter Watson, and the current member for Albany to tell Dan Mercer from *The West Australian* —

“It's not on our agenda...

...

“This is just another smokescreen by the Liberals and Nationals.”

Lo and behold, here we are. The government appointed the eminent Malcolm McCusker as chair of the committee and used him as a smokescreen for the three academics on the committee who had already decided the fate of regional representation. We know that they had previously published papers on this issue, and it has been going on for years. This was decided before the committee even came into being. This morning Mr McCusker gave us a briefing and confirmed that the committee was given a mandate to achieve electoral equality. Therefore, the committee could not take into account a lot of submissions from people in the regions who wrote in to say how the wealth of the state comes from the regions and that they needed representation because of the distances involved. None of those things was taken into account. I cannot believe that.

The biggest problem, for me, is with Indigenous remote communities. It is so difficult to service those communities as it is —

Several members interjected.

Mr P.J. RUNDLE: We will see Labor members settle in to their West Perth offices; they will not be out there.

Several members interjected.

Mr P.J. RUNDLE: We have already seen several regional members slip out of the chamber. Any regional member of this —

Several members interjected.

The DEPUTY SPEAKER: Member for Wanneroo, are you finished? Thank you. Members, can we hear the member in silence, please?

Mr P.J. RUNDLE: For any regional member in this chamber who votes against this legislation it is career limiting. We know that; it is career limiting. They have to fall into line. We have seen it develop—agricultural workers, forestry, the rock lobster industry. Now the government is abandoning regional WA in the Legislative Council. There were the Schools of the Air and Moora Residential College. Need I say more? I am really disappointed. I cannot say enough how disappointed we are not to have regional representation in the Legislative Council. It is deceitful; it is a disgrace. It was not on the agenda, but, funnily enough, on the first day of Parliament, in it came.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.20 pm]: I rise to strongly support this motion. It was just fascinating to listen to the debate in this chamber and the Premier's answers to the Dorothy Dixers today in question time. We have a Premier, an Attorney General and a Labor Party in this state trying to justify the unjustifiable. I have never heard so much nonsense in my life in the responses that the Premier gave today. He talked about ticket voting. The Premier said that the reason we got this legislation is ticket voting. We have heard the Attorney General conflating the same argument before. So, the government wants to get rid of ticket voting and that translates effectively to getting rid of regional representation in the upper house of the state of Western Australia.

Extract from Hansard

[ASSEMBLY — Wednesday, 15 September 2021]

p3972d-3983a

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

What a load of rubbish! The government knows that Alison Xamon tried to introduce a private member's bill on that topic some years ago. The Labor Party did not support that legislation then. The simple truth is that the government knows this matter was trivial to deal with. For the Premier to say that he was not aware of what was going on is a nonsense. For someone who has been in this chamber for 25 years—is that it, Premier?—and in this Parliament at the heart of politics for all that time to say he was unaware of the factors behind our voting system and unaware of the probability that someone who had a small number of votes could get up on ticket voting is a load of rubbish. We know, every member in this house knows, that that is a trivial matter to deal with. The Senate has already dealt with it, and we could have already dealt with it. To say that this legislation to reduce regional representation has anything to do with ticket voting is absolute nonsense. The government knows that on this side of the house we supported getting rid of ticket voting in that chamber.

Then, the lack of consultation, the lack of taking this to the people of Western Australia, was compared with the Voluntary Assisted Dying Bill and the industrial manslaughter bill. They were important bills, but do not compare a fundamental gutting of regional representation in the state of Western Australia with those bills that went through this Parliament, one of which was a conscience vote bill and the other supported by this side. The government knew that we would never, ever support this bill. The government is only doing it, the bill is only coming in here, because now it has the numbers.

I saw the Premier sitting on the other side of the chamber laughing and smirking while the Leader of the Opposition was giving a fantastic, impassioned speech about this matter, because he thinks this is a joke. He has the numbers and he can do what he likes. This is an utterly dishonest bill to bring before this house, because the Premier denied that he had any intention of doing this before the election. The members for Albany, Bunbury, Geraldton and the government's upper house members know that a good majority of them would not have been elected if this issue had been taken to the election. The government dishonestly did not take it to the election, but now the government has brought it up.

What is the contention I am hearing in this house? The contention I am hearing in this house is that of one vote, one value. It is the government's contention, it is this Premier's contention and it is this Attorney General's contention that we should reduce Senate representation in this state. I tell members what: we get 12 senators in Western Australia. Do members know what we should get on a proportional basis? We should get eight senators. Is that the government's proposition? Government members are all shouting that they want one vote, one value. What are they doing? That will be the government's next campaign: to reduce the Senate representation we get in this state. What an absolute disgrace.

As was pointed out by the Leader of the Opposition, this was a completely dishonest approach all along. We were told there was consultation with the community and we were told that the committee was considering our electoral system, but, in fact, the only thing that committee was allowed to consider was a reduction in regional representation. Why? It is because the first term of reference was for "recommendations as to how electoral equality might be achieved for all citizens". There was nothing about equity—nothing about true equity for people who live in the regions. Equity is about access; that is what it is about—people being able to access members specifically chosen for their region. The debate was outlined excellently by members on this side; that is, upper house members are identified as representing a particular region and that is what they will do. We know what will happen with a statewide electorate and that is that those members will be driven to the metropolitan area and out of the regions. That is what will happen for the great majority of those people.

Equally, I heard the argument today from the other side that the Labor Party cares about the regions because it is spending a fistful of bucks; that is what the government members say. They say that caring is about spending a fistful of bucks. I pity their personal relationships if that is their approach to life.

Several members interjected.

The DEPUTY SPEAKER: Members!

Dr D.J. HONEY: The role of a member of Parliament is about access and support. It is about people being able to go to their regional representative and bring issues to them. When people are having problems with Western Power or the Water Corporation, they go to their regional representatives. To conflate that the government cares about regional Western Australia with dollars is absolute rubbish, and the government knows it. It does not.

Several members interjected.

The DEPUTY SPEAKER: Member for Balcatta! Member for Murray–Wellington!

Dr D.J. HONEY: People in the regions will not have equitable access. We had a kangaroo court. We had a panel selected primarily—in fact, I would say exclusively—because the Attorney General knew the members agreed exactly with his view. There was a predetermined outcome from this review, and the terms of reference meant that there was no other alternative for that committee. It did not even visit the regions. If nothing else condemns the output of that committee, it is that it did not even visit the regions. It did not even have the decency to go out there

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

and talk to the people in Kununurra, Halls Creek, Fitzroy Crossing, Esperance and other remote regions in the state and in the Aboriginal communities. People on this side deeply care about the disadvantage that people in Aboriginal communities experience in this state.

Several members interjected.

The DEPUTY SPEAKER: Members!

Dr D.J. HONEY: Government members can shout all they like, but that is the truth.

Ms A. Sanderson interjected.

The DEPUTY SPEAKER: Minister!

Dr D.J. HONEY: The government does not want that representation. It does not want those people to have fair, equitable access to representatives in this place. There are only two decent things the government can do in relation to this. The government should have the guts to put this to a referendum—it will lose—or take it to the next election. Go to the people of Western Australia because there was not a person in Western Australia who believed the government was going to do this. This Premier was not direct with the people of Western Australia about his intentions and this Attorney General was not direct with the people of Western Australia. You should be collectively ashamed of this; it is a disgrace!

MR M. McGOWAN (Rockingham — Premier) [3.27 pm]: I begin by saying how much respect I have for Hon Malcolm McCusker, AC, QC, a great Australian, highly respected across the community. He has done a wonderful job in preparing this report and chairing this committee. That is why it is so incredibly awful that the Leader of the Liberal Party would impugn his integrity just now. What a shocking thing you have done, Leader of the Liberal Party, using the Parliament to impugn Malcolm McCusker's integrity. That is what you have just done.

Dr D.J. Honey: What did I say?

Mr M. McGOWAN: I did not interject on you, Leader of the Liberal Party, please show me the same courtesy.

Dr D.J. Honey interjected.

The DEPUTY SPEAKER: Leader!

Mr M. McGOWAN: The Leader of the Liberal Party impugned his integrity just now. That is point 1.

Point 2 is that the upper house electoral system is broken. It does not work, it is undemocratic, it is unfair and it results in perverse outcomes. That is the reality of what we are dealing with. When we went to the state election in March, Mr Wilson Tucker was elected for the Daylight Saving Party with 98 votes. That is not a trivial issue, despite what the Liberal Party might say. Being elected with 98 votes while other people got tens of thousands of votes and were not elected is undemocratic. The system was gamed by Mr Glenn Druery and his friends who organise payments. He is paid \$50 000 if he can organise the preferences to get someone elected. That is rotten. That is a perversion of democracy, yet that is the system as it currently stands. That is what got Mr Wilson Tucker elected with 98 votes in the upper house although the National Party got nearly 5 000 votes in the same zone and was not elected. The Liberal Party got 27 000 votes in the North Metropolitan Region and a Liberal member was not elected. That is what happened. That is a perversion of democracy and it needs to be repaired.

Mr McCusker has undertaken a review. He is a fine Western Australian, despite what the Liberal Party says about him. The review came up with a range of measures to reform the state's upper house, which the state government has endorsed. First of all, there should be a whole-of-state electorate rather than regional-based electorates. I will come back to this issue in just a moment. Secondly, the government has decided to go from 36 to 37 members of Parliament so we do not have a deadlock situation in the upper house. The side that secures the most votes will have a majority. It makes total sense to have an odd number of members in the upper house, like we do here, so a majority can be won. It makes absolute sense; it is staring us all in the face. Thirdly, the review says to abolish the group voting ticket system and put in place operational preferential voting. That will resolve the matter surrounding the system that allowed the Daylight Saving Party to get 98 votes and be elected. It will reflect the will of the people rather than the will of the preference whisperer. Preference whisperers and those who rot the system will not decide who gets elected; the people will decide who gets elected by putting in place operational preferential voting. Fourthly, the registration of parties will require parties, if they want to get above the line on the ticket, to have been registered for 12 months prior to the issue of the writ and have a number of members. If they want to nominate, they have to pay a fee that they get back if they secure a certain proportion of the vote. It is designed to stop the ballot paper filling up with spurious candidates like Mr Palmer's people and all the people who get on the ballot paper who have little chance of being elected, but are there just to disrupt democracy. We will have a system to manage that, like they have in other states. Putting in place those measures will ensure the system can work and not be disrupted by the Liberal-National Parties' friend Clive Palmer. If a group of independents wants to get above the line together, a range of other measures will ensure there is a system in place that is sensible in the upper house.

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p3972d-3983a

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

The system was broken. Just so we all understand, Mr Tucker, the Daylight Saving MP, was elected to represent the Mining and Pastoral Region. Guess where his office is? It is in West Perth. His electorate office and his staff are in West Perth. Mr Tucker's election was a mistake but I have nothing against him personally. Rather than place his office in his electorate, he has placed it in West Perth with his two staff. He is not alone in that because a succession of conservative MPs has done it over the years, who represented regional Western Australia. I want to take members through them.

Mr Steve Martin represents the Agricultural Region. His office is in West Perth. Mr Jim Chown, who represented the Agricultural Region, had an office in West Perth for years. Mr Colin Tincknell of Pauline Hanson's One Nation represented the South West Region. His office was in West Perth. Mr Rick Mazza of the Shooters, Fishers and Farmers Party represented the Agricultural Region. His office was in West Perth with his staff and all his resources. Mr Mark Lewis represented the Mining and Pastoral Region for the Liberal Party. His office was in West Perth. Mr Martin Aldridge, in the thirty-ninth Parliament, represented the Agricultural Region. His office was in West Perth. Mr Norman Moore represented the Mining and Pastoral Region for a long time. His office was in West Perth with his staff and resources. Of course, Mr Anthony Fels of the Liberal Party represented the Agricultural Region. His office was in West Perth. Mr Bruce Donaldson represented the Agricultural Region for the Liberal Party. His office was in West Perth. Over the last few terms, large numbers of conservative MPs, rather than having their staff, availability and offices in their electorates, chose to place their offices over the road from Parliament here in West Perth.

When I hear the argument put by Liberal and National members that they believe that offices, staff and resources should be in regional Western Australia, it is complete hypocrisy because large numbers of their MPs, as I just outlined, had their offices in the city. They probably lived in the city and had very little connection to regional Western Australia. That is the truth of it. There is one other, whom I mentioned in question time and I will mention again now. That is the current Leader of the Opposition, Hon Mia Davies. When she was elected to represent the Agricultural Region, representing the people of that region, she placed her office on the first floor of Stirling House, 8 Parliament Place, West Perth, WA, 6005. It was on the first floor, no less. As members know, when your office is on the first floor, it is very hard for a constituent to get in to see you. Not only that, it was 100 kilometres away from her electorate, in the heart of the city. I have a photo of it here; I will use it again. It is of the actual office. Stirling House is very plush! It is not the sort of thing you see in regional Western Australia so much. It is a very plush, modern office, right in the heart of town. It is all glass, all shiny and new, right in the heart of town, over the road from Parliament—as far from her electorate as she could get when she was in the upper house. The argument put by opposition members that somehow they have represented regional Western Australia—the hypocrisy of it is breathtaking. It is breathtaking that they would say such a thing.

Obviously, a system that allows for some people's votes to be worth six times the amount of other people's votes is wrong. It is wrong and it cannot be defended. I have outlined to the house and will continue to outline the anomalies involved. The vote of a person in Northam, less than 100 kilometres from the General Post Office in the heart of the city, is worth 2.4 times the vote of someone in Denmark, which is 416 kilometres from Perth. How can that be justified? Who can justify that? What possible argument is there around that? Members can get to the city from Northam in about an hour—I know because I have done it a few times recently. You get there in about the same time as you do from my house. The drive from Denmark is five or six hours to the city. Somehow, the vote of someone in Northam is worth 2.4 times that of someone in Denmark. The vote of someone in Kalgoorlie, which is connected by the Great Eastern Highway, train and plane—a major regional city—is worth 1.5 times the vote of someone in Esperance, which is four hours south. How does that work? How is that justifiable? How can anyone say that is a fair system? The vote of someone in Toodyay, which is about the same distance from the city as Northam, is worth 2.4 times that of someone in Busselton, in the member for Vasse's electorate. How is it right that the vote of someone who lives three and a half hours from the city is worth less than half—nearly one-third—of the vote of someone who lives an hour from the city? If the rationale of the opposition is that somehow distance should equal more votes, the system does not reflect that. The only way to get a system that is sensible, fair, explainable, reasonable and logical is to have a whole-of-state model, in which everyone's vote is equal, no matter where they live, and there are not these distinctions that are not explainable and not justifiable. We have allowances and support for airfares and the like for members who are based in the regions and have their electorate offices in the regions. We also have this furphy that the Liberals and the Nationals WA have put in place, whereby they represent a regional electorate, but they base their office and their staff in the heart of the city over the road from Parliament. It is a furphy. It is a deception. This is the only fair and reasonable model, and that is what Mr McCusker has found.

It is actually more than that. It is actually just. The basis of our society is justice—it is justice. It is just that everyone's vote is equal; that our system is equal. A person's job, their wealth, their importance in the community, their age, their property holding, their sex, their gender, their disability, or whatever it is, does not matter. The basis of our society is that everyone's vote is equal. Everyone has an equal say about who governs them. That is the basis of our community. That is why we have put in place the system that was raised earlier, which ensures that the

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

price of water and electricity in the regions is the same as that in the city. I pay the same price when I turn on the lights as a person who lives in Kununurra. It is about providing fairness and equity for everyone. That should be the basis of our community. I think that is eminently understandable. That is actually the understanding of the word “democracy” around the world and around Australia, and in the federal Parliament and the other state Parliaments for that matter.

Prior to the election, I did not know that Mr Tucker was going to get elected with 98 votes. I did not know that was going to happen; no-one did. Obviously, we have to deal with that. Prior to the election, every single adviser and every single pundit who has ever commented on these matters said that there was absolutely no prospect that that would happen; it was a mathematical impossibility for Labor to win a majority in the upper house. Therefore, it was not on our agenda, because there was absolutely no way that we could do it. Of course I said that.

There is enhanced regional representation in this house. This review is about the Legislative Council. It is about putting in place a fair system. No doubt the Liberals and the Nationals WA will stir up councils out there. My advice to those councils would be: do not participate in this. It is a ridiculous, offensive, rude and silly campaign. It has no justice in fact. It has no justice in logic. The best thing we can do is have democracy. Democracy was created in Athens in 500 BC or thereabouts.

Mr S.A. Millman interjected.

Mr M. McGOWAN: It was created in Athens in 431 BC. It has been the fundamental basis of good electoral systems and good systems of government around the world ever since that time—with some interruptions. All I would say is democracy is good. We should embrace it. If we win a majority of votes, we win government. If we win a majority of votes, we should also win the upper house. I think that is fair.

MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs) [3.43 pm]: A lot of people have been commenting on the Western Australian electoral system, especially the electoral system in the Legislative Council of Western Australia. These people whom I turn to now are not members of the Western Australian Labor Party or the Australian Labor Party. I will go first to the well-known commentator Mr Antony Green, AO, who wrote in his blog on 6 March 2021 —

... the WA Legislative Council’s electoral system is the worst in the country.

I turn next to *The West Australian* opinion writer Paul Murray, who after the 2017 state election wrote in a column in *The West Australian* of 1 April 2017 —

WA’s Legislative Council has a long and inglorious history as the most undemocratically elected parliamentary chamber in Australia.

The malapportionment between country and city electorates has always been the worst in the nation ...

When we hear the numbers read out by the Premier a while ago about the disparity even between the regions—not between the city and the regions, but between the regions themselves—it speaks for itself that the system is broken. We talk about democracy. Democracy means that everyone has an equal say in the government that makes the laws that govern their lives.

Dr D.J. Honey: Then why don’t you have a referendum?

Mr J.R. QUIGLEY: I will come to that in a moment, member for Cottesloe. Why should not every person have an equal vote in the Parliament that sets the laws that govern their lives and the lives of their families? It speaks for itself.

This misbegotten motion states that the Premier and his arrogant government should be condemned for maintaining a sneaky agenda. A sneaky agenda! For decades and decades, the Australian Labor Party’s policy was to abolish the upper house. This goes back nearly 130 years. The Australian Labor Party gave up on that part of its platform, because it was impossible to do that, so it fell from its agenda to abolish that chamber. But it has always been in the minds of everybody—the commentators and everyone in the Labor Party—how unfair and unequal people’s votes are.

The member for Cottesloe said, “What about a referendum?” We have had this debate in this Parliament in the last month. The member for Cottesloe should think for one moment about this. If we were to put to the populace the referendum question, “Do you think your vote should be equal with everybody else’s vote?”—which would be the referendum question that I would set—the answer would overwhelmingly be, “I want my vote to be equal with everybody else’s vote.”

I turn now to the hypocrisy of all this. As I said in that previous debate, when Sir Charles Court substantially changed the Constitution Act back in 1978, did he take that to a referendum? No, he did not. Did he take it to the people? No, he did not. He controlled this chamber, and he controlled the other chamber. He knew that he would control that chamber for ever, or during the life of his government, so he did have to worry about a referendum. He did not take it to the people. He just changed our Constitution, and he entrenched provisions that required that any further

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

entrenchment by a referendum must have a referendum itself. He really tangled it up. When he had changed the Constitution Act, he locked the door behind him as he left the Parliament so that no-one else could come up with the measures that he had gone to.

The motion that is before the chamber this afternoon is totally misbegotten. It refers to a sneaky agenda. As the Premier detailed, and as Mr McCusker detailed in his report, the McCusker inquiry advertised the terms of reference, and asked for public submissions. That is hardly a —

Ms S.F. McGurk: Clandestine.

Mr J.R. QUIGLEY: That is hardly a clandestine operation; thank you, minister.

This motion is absolutely misleading and wrong. I want to help the chamber this afternoon by moving an amendment to the motion.

Amendment to Motion

Mr J.R. QUIGLEY: I move —

That all words after “house” be deleted and insert —

thanks Malcolm McCusker and the independent ministerial expert committee on its report on electoral reform and endorses reforms that ensure the Legislative Council is fair, democratic and equal for all Western Australians.

The DEPUTY SPEAKER: If you would like to continue, you can.

Mr J.R. QUIGLEY: As I said, Mr McCusker and the committee advertised and called for submissions, spent months poring over those submissions, put out a discussion paper before calling for submissions and came up with recommendations for this Parliament. Accordingly, I move the amendment that I signed and handed to the clerks.

MR D.T. PUNCH (Bunbury — Minister for Disability Services) [3.51 pm]: I listened to the member for Roe express his disappointment and I was a little shocked and surprised because it was an expression of disappointment that we were going to address something that is fundamentally unfair and inequitable.

Dr D.J. Honey: Would you’ve taken it to the election?

Mr D.T. PUNCH: I will speak about the election shortly, member for Cottesloe. The member for Cottesloe is a very good interjector, but he does not make a lot of sense.

I want to go back to what the Premier said and the reason the system is so fundamentally inequitable, and it is worth repeating this ad nauseam. A vote in Kalgoorlie is worth three times the vote in Bunbury. How does that work in the upper house? A vote in Kalgoorlie is worth three and a half times a vote in Albany. A vote in Kalgoorlie is worth one and a half times a vote in Esperance. It does not make sense. A vote in Wundowie is worth four times more than the value of a vote in Wooroloo. I bet the people in Wooroloo do not realise that. A vote in Gingin is worth 4.1 times more than the value of a vote in Two Rocks. A vote in Madora Bay is worth 1.84 times more than the value of a vote in Singleton. It goes on. A vote in Kalbarri is worth 1.48 times more than a vote in Geraldton. A vote in Northam is worth 4.34 times more than the value of a vote in Jandakot. A vote in Broome is worth 6.1 times more than a vote in Burns Beach. I do not know how the member for Roe can express disappointment in the face of those figures.

I have worked in regional Western Australia for nearly 40 years. I have worked at the cutting edge of regional development and in both the community services and regional development sectors. I have worked virtually in every region within Western Australia. One thing I do know is that people within regional Western Australia know that the government is formed in the lower house and that they vote primarily for people in this place because they vote for a government, and they overwhelming voted at the last election for a McGowan government.

I can remember the posters that were going out at the time in that moment of panic when both the Nationals WA and the Liberal Party realised that it might be a difficult election for them. The message changed. Their leader, Zak Kirkup, was saying, “Don’t give them too much power.” I remember that. Who amongst members remembers that?

Government members: Yes.

Mr D.T. PUNCH: What did the electorate do? They voted overwhelming for a McGowan government, and they knew that it was going to be formed in the lower house. Upper house members, certainly in my electorate, were all trying to ride on the back of lower house members. Nobody really knew who they were voting for in the upper house. It was not a person-oriented thing. It might have been a party-oriented thing, but nobody really knew their candidates—this notion of candidates representing their area. They were voting in the lower house and by default upper house parties creamed off some of that vote.

Mr W.J. Johnston: Ticked above the line—97 per cent.

Extract from Hansard

[ASSEMBLY — Wednesday, 15 September 2021]

p3972d-3983a

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

Mr D.T. PUNCH: Yes; exactly.

The important distinction is that the upper house is a house of review and the lower house is where the business of government is formed. The people of Western Australia know that and, as the Premier mentioned, the issues around regional representation in the lower house will remain unchanged. The big difference is that in the upper house, people will have 37 members who represent their interests—not just six people in a local area, but 37 people who will have to work hard to earn their vote and work hard to understand the issues and go out there and represent them positively.

It is worth commenting on some of the alarm that was expressed on 18 March 2021. The first piece of alarm was from Hon Sophia Moermond who was definitely shocked when she realised that she would be the first and only MP in a party that was less than five months' old. Does that not point to an issue somewhere?

Mrs R.M.J. Clarke: And with an office in West Perth.

Mr D.T. PUNCH: Yes, member for Murray–Wellington; an office in West Perth.

Then Hon James Hayward said —

... a Perth resident representing the people of the south west was a “complete scam” and it was time to change to the Federal system.

I seem to recall that the federal system does not have regional boundaries for the upper house. He continued —

“What happens is the preference whisperers come along and they work out a bit of a plan to add everybody's votes up,” he said.

“I think the people who are in the Greens Party would be horrified ... that their votes have gone there.

“There are other parties as well like Shooters and Fishers, and it was their votes that seem to have got those guys elected.

Hon James Hayward was calling for upper house reform. The reason members opposite are so offended is that they want upper house reform but they want their upper house reform. They want to maintain the status quo that has seen conservative occupancy of the upper house benches for the majority of the Western Australian parliamentary terms. That is what it is about. Suddenly, they are being forced to work harder. I heard the complaints earlier about the changes to the standing orders. The biggest complaint I got in the last term of Parliament was about filibustering in the upper house. Wasting time and not getting on with the business of government is what was upsetting regional people. Time and again regional people would come to me and say, “We know you guys are working hard in the lower house, but we don't have a clue what is happening with the opposition in the upper house. Why aren't they doing their job of proper upper house review, proper review of legislation, and doing that in an efficient and effective manner?”

My view is that in moving to this new reform—I welcome Hon Malcolm McCusker and the ministerial expert committee's report—that with 37 people representing the whole of the state, they will have to suddenly work out how the state functions as a whole, what is important to Western Australia as a whole, and what is important in the Kimberley and in Esperance.

Division

Amendment (deletion of words) put and a division taken, the Deputy Speaker casting his vote with the ayes, with the following result —

Ayes (43)

Mr S.N. Aubrey
Mr G. Baker
Ms H.M. Beazley
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Ms D.G. D'Anna
Mr M.J. Folkard
Ms K.E. Giddens

Ms E.L. Hamilton
Ms M.J. Hammat
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly
Ms E.J. Kelsbie
Dr J. Krishnan
Mr P. Lilburne
Mr M. McGowan
Ms S.F. McGurk

Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Ms L.A. Munday
Mrs L.M. O'Malley
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Ms A. Sanderson
Mr D.A.E. Scaife

Ms J.J. Shaw
Ms R.S. Stephens
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Extract from *Hansard*

[ASSEMBLY — Wednesday, 15 September 2021]

p3972d-3983a

Ms Mia Davies; Mr Shane Love; Deputy Speaker; Mr Peter Rundle; Dr David Honey; Mr Mark McGowan; Mr John Quigley; Mr Donald Punch

Noes (5)

Ms M.J. Davies
Dr D.J. Honey

Mr R.S. Love
Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Amendment (deletion of words) thus passed.

Debate interrupted, pursuant to standing orders.

[Continued on page 3998.]