

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2009

Second Reading

Resumed from 18 March.

MR P. PAPALIA (Warnbro) [4.23 pm]: What an interesting juxtaposition! We only just now heard the Treasurer deriding and attacking the opposition for its lack of sincerity—I am bitterly disappointed the Treasurer is leaving the chamber—and seriousness about the environment in which we find ourselves. How can the Treasurer make light of such a serious situation? I felt the same way as the Treasurer only last week when I was sitting in my office down in the wonderful electorate of Warnbro and I received a fax alerting me to the government's order of business for the Legislative Assembly for the week beginning Tuesday, 5 May 2009 in the lead-up to what the Treasurer identified as—I would agree with him—quite possibly one of the most crucial budgets in living memory. Incredibly, in the lead-up to that time in history, the most important piece of legislation to this government, the absolute number one priority of this government, appears to be bereft of any assistance for the thousands of workers in Western Australia who have lost their jobs or are under threat of losing their jobs. This government has shown no initiative or interest in saving the jobs of workers or in helping Western Australians who are under threat from the outcomes of the global financial crisis in Western Australia. This same government has shown no interest in the poor workers who have lost their jobs at Ravensthorpe, Harvey Beef, Pinetec and, most recently, Peters and Brownes in Balcatta, and probably employees of Peters Creameries (WA) Pty Ltd in Brunswick Junction who are worried that they will be on the chopping block next. This government appears to be totally disinterested in the future of workers in this state and has decided that the most important piece of legislation that it will lead off with in this pre-budget week will be the Local Government Amendment (Elections) Bill 2009.

I understand why the member for Kalgoorlie is leaving the chamber; he would be disgusted that this government has chosen to reintroduce this legislation at this time—at any time—because he is very much in favour of the current system of local government elections. Beyond that, I cannot understand why this retrograde amendment to the Local Government Act has been chosen as the lead item for the government's legislation this week.

Mr D.A. Templeman: They have no legislation, have they?

Mr P. PAPALIA: I have no idea! Last week I was mystified and confounded. I was struck dumb when I saw the government's order of business for this week. Members can believe it or not; I know it is hard to believe, but I was incapable of speaking when I saw that the number one legislative priority of this government this week was the Local Government Amendment (Elections) Bill 2009. I set myself the task of trying to identify how it came to be that this legislation managed to get to the top of the pile. I was hoping the Minister for Sport and Recreation might be here—he said he would be; however, I am sure there are some Western Force rugby fans in the chamber, who will understand what I am talking about. Could it be, if we use a sporting analogy to describe how government legislation gets to the front, that it is akin to a rugby rolling maul? All the ministers are scrimmaging forward desperately trying to get their legislation to the front. Because they have so much legislation, they know it is difficult, they know it is a hard job, and they know it is no easy thing to get to the top of the pile and to have their legislation considered in the course of a sitting week. To be the number one legislative priority for the government for the week takes a lot of doing. Could it be that the Minister for Local Government, with his front row forward frame, managed to ruck out the Minister for Police, scramble right over the top of the Attorney General, knock the Treasurer aside and get his legislation to the front of the maul? Could that be what occurred?

In considering that analogy, I came to the conclusion that that could not be what occurred because, let us face it, this government does not have a rolling maul of legislation; this government's legislative delivery is more akin to a set-piece scrum! The halfback is looking for the ball and he cannot find one, so in desperation he looks on the shelf and finally finds one sitting at the back, covered with dust! That will do; it is the Local Government Amendment (Elections) Bill 2009! Maybe that is how it got here.

Mr T.K. Waldron interjected.

Mr P. PAPALIA: I did not attend the rugby game on the weekend.

Even though I was trying to identify how the government came to the conclusion that this is its most important piece of legislation—I will accept that it did—regardless of how the government came to that conclusion, why would the government, when we are in the middle of a global financial crisis and the Treasurer has for months

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been warning us about the dangers and threats inherent in this current economic climate, albeit in complete contradiction to the Premier, turn its eyes towards this piece of legislation again?

Mr R.F. Johnson: Because we believe in democracy in local government; not the way you have it—not the scams that you have in the voting system.

Mr P. PAPALIA: Mr Deputy Speaker, can I please seek your protection? The minister is being a little aggressive and I am feeling a bit threatened.

The DEPUTY SPEAKER: Will the minister please stop mauling the member.

Mr P. PAPALIA: Thank you, Mr Deputy Speaker.

In all seriousness, I must now return to the question of why the Minister for Local Government is considering this piece of legislation at a time when he himself has introduced an incredible amount of anxiety, concern and complete disruption to reform in the local government sector. On 5 February the minister introduced the biggest single issue of concern to the local government sector—probably of more concern than the global financial crisis. He introduced the greatest degree of uncertainty, the greatest increase in anxiety levels and the greatest heightening of fear when he addressed a meeting of local government representatives in Exmouth on 5 February. He said that if councils did not amalgamate voluntarily, legislation would be introduced. The minister said that if the councils did not want to do it, he would do it, and it was as simple as that. That statement was reported by Bill Mitchell of the Western Australian Local Government Association in a press release on the same date. The statement was reported the next day in *The West Australian*. The minister spoke to a reporter from *The Australian* the next day, and the statement was reported in that newspaper on 12 February. Reporters for both newspapers directly quoted the minister, having had separate conversations with him after the delivery of that statement. I know that the minister has gone to great lengths to avoid saying the words “forced amalgamation” since then, and the Premier has even denied that he ever said it, but out in the local government sector, people know that he said it. They know that that threat is still hanging there. I have given the minister many opportunities to retract that threat, apologise for his mistake and return to a cooperative, collaborative process, and he has refused on every occasion. I will give the Minister for Local Government plenty of opportunities today to join in the debate and, hopefully, see the error of his ways and retract that threat.

Mr R.F. Johnson: Just as a matter of interest, are you actually going to speak to the bill?

Mr P. PAPALIA: I am speaking to the bill. Obviously the Leader of the House is a little confused. This bill has been introduced as a priority over dealing with any other issue in local government. It has been introduced as a priority over any other legislation or any other issue in the state government this week. This is the number one priority. Therefore, it is imperative that I question why the Minister for Local Government can choose to introduce this legislation when he has created an incredible mess. He has thrown the local government sector into disarray and he has not resolved that issue. I will go through, point by point, what the minister has done to the local government sector and how it is inappropriate that he now deal with this legislation instead of dealing with the mess he has created.

Mr R.F. Johnson interjected.

Mr P. PAPALIA: I will keep referring back to this legislation as many times as the Leader of the House wants.

Mr R.F. Johnson: But you haven't done so. You're looking for a point of order, are you?

Mr P. PAPALIA: Does the Leader of the House want the Deputy Speaker's job, or does he want to stay there? Does he want to stand up and raise a point of order?

Mr R.F. Johnson: I will if I have to, my friend, because you have had 10 minutes and you have not said one word about the bill that is before the house.

Mr P. PAPALIA: Mr Deputy Speaker, I must ask again for protection. The Leader of the House is an absolute bully. He is bullish, and he is a bully, and I am feeling threatened.

The minister has created this mess and he is refusing to deal with it. This legislation is smoke and mirrors. It is a desperate attempt to try to divert attention from the mess he has created in the local government sector. What he said on 5 February was widely reported, and subsequently denied by the Premier, who said that the minister had never said it. The Premier denied it on 21 March at the Liberal Party's state conference. He said that the Minister for Local Government never made that threat.

Mr C.J. Barnett: Were you there?

Extract from Hansard
[ASSEMBLY - Tuesday, 5 May 2009]
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Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Mr P. PAPALIA: It was reported in the newspapers and on television. The Premier was clearly reported and he is on the record. He denied that the minister ever made that threat. The Premier is also on the record as having said that the Monaco of Western Australia, Peppermint Grove, would not have to participate in the process. That has not gone away either.

Mr C.J. Barnett: When did I say that?

Mr P. PAPALIA: It was reported in the *Cambridge Post* on 21 March 2009. The article states —

The suburb's influential Liberal Party backers were assured their tiny shire was exempt at a function on February 12, held at the home of party stalwart Marie-Louise Wordsworth.

The Premier and the Minister for Local Government addressed the meeting. The article continues —

According to other guests at the meeting the two men soon found themselves under pressure from big party donors and local residents who were worried about the shire's future.

Two hours later, the supporters emerged with an undertaking that Peppermint Grove's autonomy would be preserved.

Mr C.J. Barnett: That's not what you said.

Mr P. PAPALIA: That is when the Premier said it.

Mr C.J. Barnett interjected.

Mr P. PAPALIA: Mr Deputy Speaker; Mr Deputy Speaker—hello, Mr Deputy Speaker!

The DEPUTY SPEAKER: Do you want protection?

Mr P. PAPALIA: I know he is your party leader, Mr Deputy Speaker, but can you just look over this way? I am suffering from a little bit of attention deficit disorder when the Deputy Speaker looks at the Premier when I am talking!

The minister has created this state of confusion, and increased the level of anxiety across the state, heightened by the global financial crisis, as reflected in numerous pieces of correspondence to me, in response to a letter in which the Labor Party assured the local government sector that it would stand by its election promises and, unlike the Liberal and National Parties, would not force amalgamations.

Mr R.F. Johnson: Amalgamations do not form any part of this bill whatsoever.

Mr P. PAPALIA: That is right, and that is the whole point. Here is a minister who has created an incredible level of anxiety and fear and has thrown local government reform into disarray, refusing to accept responsibility for it.

The DEPUTY SPEAKER: Member for Warnbro, I have given you a lot of latitude in this. You started off by addressing the government's legislative program, and now you are talking constantly about the reform process. This bill is the local government reform bill. You should address the bill.

Mr P. PAPALIA: Mr Deputy Speaker, I find that direction from you incredibly inappropriate.

The DEPUTY SPEAKER: Member for Warnbro, the bill is the Local Government Amendment (Elections) Bill 2009. Will you please speak on that bill.

Mr B.J. Grylls: You have to sit down when the Deputy Speaker is on his feet.

Mr P. PAPALIA: I was looking down at my notes. My apologies, Mr Deputy Speaker. I did not see that you were standing.

I intend to talk about the Local Government Amendment (Elections) Bill 2009. My point is that this legislation cannot be considered as a priority—it is the number one priority for the government's legislative program this week—without considering the context within which it sits. This legislation is enveloped by other things that are going on in the local government sector. This legislation will impact directly on the local government sector if it passes through the house, because it requires a change to the way in which local government elections are conducted. That is yet another stressor on the local government sector in an environment that has been created by and can be dealt with by the minister, but he has refused to deal with it.

Mr R.F. Johnson: Let's just get this out of the way quickly so that we can get on to something else.

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Mr P. PAPALIA: Would the Leader of the House like to be the Speaker? That was the job he wanted, was it not? He should stand up and raise a point of order that we can then respond to.

Mr R.F. Johnson: If the member carries on the way he has been, I will do. I was hoping he would err and, as a new member, he would actually —

Mr P. PAPALIA: A new member!

Mr R.F. Johnson: — think to himself, “Perhaps I should not be so silly.”

Mr P. PAPALIA: I was hoping that you, as an old member, might think to yourself, “Perhaps I should not be so silly”, but I long ago gave up on that hope!

The DEPUTY SPEAKER: Order, members!

Mr B.J. Grylls: Could the shadow minister explain to me the Western Australian Local Government Association position on the bill before the house?

Mr P. PAPALIA: I know what the Local Government Association’s position is.

Mr R.F. Johnson: What is it?

Mr P. PAPALIA: In the course of my duties as the shadow spokesperson for local government, yesterday I attended a workshop on the local government sector. Four hundred or so local government executives and elected officials attended that workshop. They came from all over the state. They were drawn to the meeting by the Western Australian Local Government Association and the Local Government Managers Australia (WA Division) not only to hear advice on what is going on with the reform process of local government, but also because they would have seen, on the list of speakers for the day, that the Minister for Local Government had been given a half-hour segment. They attended the workshop yesterday to listen to the minister and of course to ask questions of the minister.

Mr R.F. Johnson: Did they ask about the bill?

Mr P. PAPALIA: Not one of the questions was about this bit of legislation. What does that indicate to members? That indicates that there are significant issues as a result of what the minister has done in the local government sector. People around Western Australia want to see some action. They have not asked about this; no-one has written to us about this. The only people, as the Minister for Regional Development has indicated, who have spoken to me about first-past-the-post legislation are from the Western Australian Local Government Association executive, and that is it. All the other people I have met and had discussions with about the local government sector have more important things to deal with at the moment. Those issues could be dealt with by the minister, but he is refusing to do that. Do members know who the local government sector is also waiting for some sort of assistance from? Do members know who has not spoken about what this minister has done to the local government sector? The National Party. The minister has spoken once —

Mr B.J. Grylls: It’s a pity the member wasn’t at the local government function at the University of Western Australia last week! Where was he then?

Mr P. PAPALIA: Where were the local government representatives that the Leader of the National Party was talking to? They wanted to hear from him!

Mr B.J. Grylls: At the local government “Closing the Gap” forum at UWA last week. Where were you?

Mr P. PAPALIA: The minister was in the north west taking credit for having knocked back legislation. He was taking credit for refusing to allow the government to pass legislation to force amalgamations. I have not heard him speak publicly about the issue. I wonder whether that is because he was in cahoots with the Minister for Local Government when he decided to overtly and unilaterally split from pre-election promises and threaten forced amalgamations of local governments around the state. That looks like an uncomfortable smile! I do not believe the Minister for Local Government would have been allowed to do this by a cabinet decision if the Minister for Regional Development had been there, unless he thought it was a good idea and maybe he would try a bit of wedge politics. I wonder about that.

Point of Order

Mr R.F. JOHNSON: I was earlier encouraged to stand and make a point of order should there be a breach of standing orders. I suggest that the shadow minister has spent 20 minutes without discussing the item of business

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before the house—that is, the bill. He has not dealt with the bill whatsoever. He has been talking about general items that are totally separate from the bill. I ask that he address the bill.

Mr P. PAPALIA: I was responding directly to an interjection from the Leader of the National Party and Minister for Regional Development; therefore, I do not think there is a point of order.

Mr T.G. STEPHENS: Mr Deputy Speaker, I was going to make the same point; that is, that it is totally inappropriate to try to prevent a member responding to an interjection to which you have not objected.

Mr W.J. JOHNSTON: In canvassing the merits of this bill, surely the context of the community situation arises. I do not understand how this bill could be debated in this chamber without the community's perceptions of the local government situation being taken into account.

The DEPUTY SPEAKER: That is not a point of order. Under standing order 94(1) —

A member's speech must be relevant to the question under discussion.

The question under discussion is a system of voting that is going to be adopted at local government elections. Will the member for Warnbro now please come to the point and discuss the topic that is under discussion and not wander all over the place.

Debate Resumed

Mr P. PAPALIA: That is a bit harsh, Mr Deputy Speaker.

Mr R.F. Johnson: It may be harsh, but it is very true!

Mr P. PAPALIA: I felt it was appropriate that we discuss the environment in which that legislation is enveloped. I thought that was an appropriate thing to do. Nevertheless, this legislation seeks to make the retrograde step of reintroducing the first-past-the-post system and getting rid of the preferential proportional representation system that has been in place since 2006.

Mr B.J. Grylls: Did the member raise at the meeting yesterday that he planned to oppose this?

Mr P. PAPALIA: No. Does the member know why? I have to respond to the interjection, Mr Deputy Speaker. I will do so by quoting from today's *The West Australian*. The reason I did not raise the issue yesterday with the local government representatives, when 400 people from across Western Australia came to hear the minister speak, is that not one of them wanted to know about this. What they wanted to know was what on earth the minister intended to do to the local government sector. I quote from *The West Australian* —

Canning City mayor Joe Della Donne said councils needed a benchmark to help guide them.

But Mr Castrilli said: "How can I give a benchmark when we don't even know the number of local governments and how it's split?"

Mr Castrilli was asked, "How many councils do you want? What representation do you want?" He is quoted as replying —

"I haven't decided, I haven't got a piece of paper in my back pocket saying I want 10, 20, 30 ... 90 local governments in WA," ...

"I have left it up to local government to look at their own industry."

He has said, "You have all got to change. You're so bad, you're so inappropriate, you're incapable of conducting yourselves in an appropriate fashion and therefore you've got to change. But I am not capable of telling you where you're going. I'm not capable of setting a benchmark. I'm not capable of identifying some sort of target for you to try to reach. I'm just going to leave you in the dark on that and you're going to have to go out and find out for yourselves." That is why, minister, I did not raise it yesterday, because they were too busy asking questions of the minister about the amalgamation process that he has initiated. He should have been able to answer the questions, but he did not. I was trying to ask a few of those questions on behalf of the industry today, but we are dealing with the Local Government Amendment (Elections) Bill 2009 and I will direct my statements to the specific legislation.

The weaknesses of the first-past-the-post system were well documented during the debate in 2006 when this voting system was introduced. I have read through the debates; I have read through the contributions from different members who were here at the time —

Mr R.F. Johnson: This was not introduced in 2006.

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Mr P. PAPALIA: Sorry, the new system.

Mr R.F. Johnson: You mean the highly corrupt system, which was introduced under Labor.

Mr P. PAPALIA: This system was introduced in 2006, the one that the government is going to replace with first-past-the-post.

Mr R.F. Johnson: We do not like corrupt legislation or corrupt voting systems!

Ms A.J.G. MacTiernan: You were elected corruptly! Do you really think that our state and federal systems are corrupt?

Mr R.F. Johnson: The system we have at the moment in local government —

The DEPUTY SPEAKER: Order, members! Continue, member for Warnbro.

Mr P. PAPALIA: The weaknesses of the first-past-the-post system have been clearly identified. If there are a number of candidates, it essentially deprives the vast majority of voters of any representation. Once an individual gets a number higher than the other candidates, that person is elected. That disregards the view, or in many cases the reality, that the vast majority of people did not want that individual to be elected and their votes did not get any consideration at all. In a simplistic argument we could say that it is simple. Yes, it is simple. It is not very representative but it is simple. It is not very democratic but it is simple. The argument that it is a better system disregards the fact that the vast majority of people did not select that individual. That is one reason why it is not appropriate. To illustrate that, I will draw on a bit of detail from a speech given by the former member for Kingsley in 2006 when she asked a question of the then opposition, which was opposing this current system. She stated —

Traditionally, you have only 26 to 35 per cent of electors coming out to vote, if you are lucky. Effectively, if you have a split vote of eight or more candidates, as few as four per cent out of the 33 per cent that are voting can get someone first past the post. Effectively, this can come down to as few as 2 000 people over a large council getting someone first past the post.

The vast majority of the people who would vote, who far exceed the 2 000 in that case, would be completely ignored by this system that the government is intending to introduce. Despite that, first past the post reduces the likelihood of major political parties getting involved —

Mr I.C. Blayney interjected.

Mr P. PAPALIA: That is the argument that is put—that somehow first past the post will prevent major parties from getting involved.

Let us look around the chamber and see how many major political party representatives who were elected under that system ended up in politics. Of all the organisations in the state, which will be most capable of getting a large number of other candidates to run and split the vote of an issue candidate? If someone is sitting in local government fat, dumb and happy and an issue campaign is being run against that person, such as the Beeliar wetlands in Cockburn, a group of people might say, “Let’s save the Beeliar wetlands, let’s stop Roe 8, everyone vote for this.” As an example, if the Liberal Party wanted to split that vote, it might get four or five candidates to run notionally with that as their issue. They would be given very little in the way of profile support but they would get on the ticket, there would be a little awareness campaign in the community and they would get a few votes. If the vote was split so the candidate who could possibly be opposed to saving the Beeliar wetlands came through, getting a minority of the overall vote, he or she would still get elected as first past the post. That is how a political party would do it. That is politicising local government. The suggestion that somehow we will prevent large political parties from getting involved through going first past the post is not logical if we consider that situation. Invariably, issues candidates do come to the fore in local government elections. People often run on various issues and that will get them over the line in normal circumstances if there was a preferential voting system.

Mr B.J. Grylls: Can you show me the councils that don’t support this legislation that is before the Parliament?

Mr P. PAPALIA: I am not debating that; I am debating whether this legislation is worth supporting.

Mr B.J. Grylls: You’ve been out and about; you’ve been to all these meetings. I’m wondering if you’ve got the feedback from those councils.

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Mr P. PAPALIA: I am debating whether this legislation is worth supporting. I do not believe that it is. I do not think it is appropriate to support retrograde legislation. What happens in the event that three candidates get the same number of votes in first past the post?

Mr B.J. Grylls: You tell me; you obviously know.

Mr P. PAPALIA: It is in the legislation. They draw straws. Is that representative? Is that democratic?

Mr B.J. Grylls: Which local governments oppose this bill?

Mr D.A. Templeman: I've got one.

Mr P. PAPALIA: I know that Mandurah does because I have spoken to the chief executive officer and the mayor of Mandurah. I understand that this is a populist piece of legislation and that is why it is being introduced now. It does not mean that it is the right legislation or that it will deliver the best outcome. The single biggest reason why this legislation should be opposed and the single biggest flaw in introducing this type of voting for the local government sector in this state is the inconsistency that it creates between other jurisdictions when we are voting. If we go back to a situation in which we have first past the post at local government level and proportional representational voting or a voting system that requires all candidates to be numbered in order in the state and federal system, we will create confusion. It is undeniable that we will create more confusion than if all systems are consistent. That is illustrated no better than when we consider how ballot papers are marked. In first past the post, ballot papers can be marked with a tick, a cross or a number 1. If there is more than one candidate for that ward or for that particular election, those symbols can be used more than once.

Mr J.M. Francis: The electorate isn't that stupid.

Mr P. PAPALIA: The member should wait a minute. If there are two positions and three candidates, the paper can be marked with two ticks, two ones or two crosses. Bizarrely, what will create the most confusion is that if the candidates are numbered 1, 2 and 3, the vote will be considered invalid. If we follow the same technique that we are educating people to use at the state and federal level, whereby they are required to number the candidates in order of preference, it will be considered invalid in a local government election. Who will that impact on the most? I ask the Minister for Citizenship and Multicultural Interests to consider this. Which part of the population will be most disadvantaged by introducing a system that requires people to learn and apply one system at local government level and also learn and apply a completely different system at a state and federal level? It will most disadvantage the people who have come from overseas and who either speak a different language, come from a different political system under which they have never voted or they have a completely different voting system or, possibly, even worse, come from a system under which there is first past the post at all levels of government, like in the United Kingdom. The minister for multicultural interests will damage some of the people he purports to represent by introducing legislation that will confuse them disproportionately.

Mr G.M. Castrilli: What are you saying—people from ethnic backgrounds can't think the same?

Mr P. PAPALIA: No, I am saying that it will be more challenging for people. I will illustrate that with some statistics relating to the percentage of people born overseas. I often hear the minister talk about Western Australia having the highest percentage of people born overseas compared with the rest of the country. In the electorate of Nollamara, 34.4 per cent of the electorate were born overseas. What do members think their informal vote was like at the last state election? A total of 7.93 per cent of their vote was invalid, informal. In Cannington, 42.8 per cent of voters were born overseas. The informal vote was 6.98 per cent. This may be a furphy but let us consider the other end of the scale. How many electors in the electorate of Wagin were born overseas? It is 12.6 per cent. The informal vote was 3.24 per cent. This is half the rate of informal voting in the electorate that has fewer than half of the number of people born overseas.

Mr J.M. Francis: That may not necessarily be related.

Mr P. PAPALIA: It may not be but logic dictates that it is related. Commonsense dictates that these two things are related. I will even look at my own electorate of Warnbro, where a high proportion of voters—30 per cent—was born overseas. They disproportionately come from a system of first-past-the-post, which would make it even more confusing —

Mr J.M. Francis: What was it?

Mr P. PAPALIA: It was 5.5 per cent. It was much higher. If we introduce the factor of a completely different system at one tier of government and contrast that with a different system at the other two levels of government,

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we are just increasing the likelihood of invalidating people's votes and people being disenfranchised. It is interesting that the minister has responsibility for both these portfolios and it is appropriate that he considers it. The minister knows that I am not being derogatory of people from diverse backgrounds. He also knows that there is community concern about the high ballot paper error rate by people for whom English is not their first language and people who do not have experience of our electoral system or have had experience of a completely different electoral system. It is simple logic. I am not in any way being unfair to those people. However, it is unfair to introduce more hurdles for them. It is unfair to suggest that their additional requirements or challenges will not be considered. It is particularly unfair and confusing to migrants to suggest that the proposed changes are okay because the rest of the community is smart enough to deal with them and identify the differences and that the changes will not have an impact on the voting outcomes.

Mr J.M. Francis: Have you compared that data to education levels in those areas?

Mr P. PAPALIA: Undoubtedly, other factors are involved. I raised this as a significant issue because the minister is also the Minister for Citizenship and Multicultural Interests. I believe that because he comes from a country in which English was not his first language, he has experienced these problems and is fully aware of the difficulties that they impose on these people.

Mr J.M. Francis: He knows how to fill out a ballot paper, I hope.

Mr P. PAPALIA: Yes, and he also knows the challenges faced by people who come from that environment and are confronted with a ballot paper that could be completely different from one they completed for a different level of government perhaps, in some cases, only weeks or months ago.

Mr J.M. Francis: If a person moves from Queensland, in which they have optional preferential voting for state elections, the same argument could be used. Should we be saying that we should change our system to what it is in other states?

Ms J.M. Freeman: They have consistency with local government and state government elections.

Mr P. PAPALIA: Consistency is a priority. However, preferential voting achieves a better outcome. It is more representative and it is more democratic. I do not believe that the first-past-the-post system is. It is a retrograde step to consider that.

For the reasons that I have indicated, it is not appropriate for this legislation to be considered now. I understand that it is the government's intention to get this bill through the Parliament in time for the next round of local government elections in October.

I was attacked by the Leader of the House for straying from this specific legislation. My point in straying from this bill by talking about the environment in the local government sector is that other issues in local government should be dealt with. The minister identified that reform within local government needs to be undertaken. The minister engaged in a process that he must admit has been incredibly confusing. It created a heightened degree of anxiety, unrest and fear within the local government sector. It is inappropriate for the minister to not deal with that process and to prioritise this bill when he has not answered the questions that he was asked yesterday at the workshop, and he continues to refuse to answer them. I cannot understand how he can choose to face down those representatives of local government, many of whom came from local governments in National Party or Liberal Party electorates and are naturally inclined to support the minister. I cannot understand how he can continue to ignore them in this case.

The minister created the confusion in the local government sector. This legislation was not imposed on us by the global financial crisis. It did not come from outside local government. At the same time the minister introduced this legislation, which seeks to create a little more confusion in the local government sector, particularly amongst those people who will be voting for local government candidates, he has, since 5 February, ignored the desire and pleading of local government representatives for some degree of guidance on and some level of leadership for what he is trying to achieve. What outcomes does the minister intend to achieve? What does the minister want local government to work towards? What number of local governments does he want in place at the end of this process? How many people does he want in each local government?

Mr G.M. Castrilli: You accused me of forcing local governments and now you are saying that I should have.

Mr P. PAPALIA: The minister threatened to force amalgamations unless they came up with a solution to the problem that he created. He has not given them a target, but he wants them to shoot a bullseye. How will they do

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it? They are trying to please the minister. A lot of them vote Liberal or National. I do not think there are too many Labor guys in Dumbleyung, but yesterday they were begging the minister to give them some guidance on what he would do if they assessed whether or not they were sustainable, found that they were and then determined there were no benefits to their ratepayers from amalgamation. They asked how long they would have to wait for the minister to tell them that that is okay. He said that it would be August. They have carried out that assessment and the minister is saying that he will leave them on tenterhooks until August. Why can the minister not give them some instruction and guidance?

Mr G.M. Castrilli: There is a fantastic process in place that they all know about. Just wait and see.

Mr P. PAPALIA: They are ahead of the minister. The minister is saying, "Wait until August", but they have been through the process that he is talking about. Does the minister think that they have not been talking to each other since this happened?

Mr G.M. Castrilli: Isn't it a fantastic endorsement that they are ahead of me?

Mr P. PAPALIA: They are ahead of the minister, but they have come to the conclusion that the process is not appropriate and that amalgamation will not bring the outcomes that the minister thinks it will. They have come to the conclusion that the minister should be telling them now that they do not have to continue to spend time, money and effort on this process when they should be working on their local government budgets. They are desperately in need of guidance from the minister who created the problem.

This legislation should not be the government's number one priority in the lead-up to the budget being handed down. This legislation seeks only to turn back the clock and change the system of voting in local government to a system that was in place prior to 2007. There is no justification for rushing this legislation through this place and making it a priority. There is no demand from the local government sector, apart from a couple of Western Australian Local Government Association executives who have treated this issue as their hobbyhorse for a couple of years. It is not a problem that is being raised by the local government sector and the minister knows it. Nobody is raising it with the minister or me. Local government wants some guidance on the process that the minister has created. They want him to sort it out by returning to a collaborative and cooperative process. Nobody has asked about local government elections. It is a peripheral subject that is occasionally mentioned by the odd one or two councils. As the member for Mandurah indicated, some councils are in favour of the current system.

At the time of the debate on the legislation that introduced the preferential proportional representation system, a little over half the number of councils that were canvassed around the state were in support of this system. I do not know whether there has been further canvassing on this issue by WALGA but I know that it ran a very expensive, long and high-profile television campaign against that legislation. I suggest that its actions probably had an impact on people's views. It does not necessarily mean that this bill has the highest priority of the issues that need to be considered in the local government portfolio. Any rational consideration of the local government sector and the public debate in that sector at the moment confirms that the sector is crying out for the minister to provide a degree of leadership on the process he has created. They want him to give them guidance and assistance on what he is trying to achieve. If the minister is not capable of doing that, does not want to do that, or does not have any idea, they would like him to apologise and return to the collaborative and cooperative process that was previously in place.

This legislation is inappropriate. This legislation does not have the highest profile or priority and it is not the most important legislation that the local government sector requires. It is not the issue in the local government sector that deserves the highest piece of action. This bill should not be introduced at this time, and Labor will definitely oppose it.

MS A.J.G. MacTIERNAN (Armadale) [5.10 pm]: I endorse wholeheartedly the comments and the analysis set out by the member for Warnbro on the Local Government Amendment (Elections) Bill 2009. It is very telling to look at the second reading speech made by the minister when he introduced this bill. The minister's second reading speech does not contain one piece of intellectual argument about why it is important that we move from a proportional preferential representation voting system for local government elections to a first-past-the-post system. The minister talks about how the proportional preferential representation system is unpopular and difficult to understand. However, the minister makes no analysis of the impact of these voting systems, and no analysis of what this change might lead to. The minister also makes no analysis of why people cannot understand the preferential voting system for local government elections, in which voting is voluntary, yet people can

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understand the voting system for state and federal elections, in which voting is compulsory. The voting system for state and federal elections has been around—the member for Cannington may be able to help me here—for about 70 or 80 years. All the members of this Parliament, and all the members of our federal Parliament, have for decades and decades been voted into office under a preferential voting system. We have been able to maintain very democratic institutions at the state and federal level, and the participation rate in our voting system is probably the highest in the world. This has all taken place under a preferential representation system. However, somehow or other, without any argument, the Minister for Local Government makes the bold statement that this is too hard for the people of Western Australia to understand. What does that say about our entitlement to be members of this place? What does that say about the minister's confidence in the intellect of the Western Australian people? Where is the minister's analysis of what will provide the best quality of representation? Where is the minister's analysis of the results of the proportional preferential representation system compared with the first-past-the-post system? As the member for Warnbro has pointed out, the result in a first-past-the-post system often means—not always, obviously—that the person who is elected has the support of fewer than 50 per cent of the population. That is particularly the case when there is only a single vacancy.

Mr C.J. Barnett: How many countries have preferential voting?

Ms A.J.G. MacTIERNAN: How many countries have compulsory voting? Australia's voting system has been the envy of many countries. I know the Premier has lived in regional England. That has given him, apparently, a profound understanding of matters regional. We need look only at the number of people who turn out to vote in Australia, compared with the number of people who turn out to vote in England and the United States, and in many other countries, to see the strength of our system. The voting laws in Australia do require people to turn up at the polling booth. There is a monetary penalty for people who do not turn up at the polling booth. However, once people turn up at the polling booth, they are not required to actually vote. They are not required to mark anything on their ballot paper. They are not even required to put their ballot paper into the box; they can simply take their ballot paper and go home. However, 85 per cent to 90 per cent of people make the determination that they are going to vote, and they fill out their ballot paper. Of course, that is a very positive thing, because it ensures that politics in Australia is played to a majority interest. It ensures that we do not have the type of negative polling in which political candidates attempt to keep as many people as possible away from the polling booth. The fact that Australia is one of the few countries in the world that has a proportional preferential voting system is not to be derided, because it shows just how special our voting system is. Many people around the world who are interested in democracy would very much like their country to have a voting system in which people are mandated to show up at the polling booth, and in which people are given the opportunity of preferential—and in multi-party situations, proportional—voting. There is no analysis in the minister's second reading speech to support his argument that the Australian people understand the compulsory preferential voting system when they elect a government at a state and federal election, but when they choose to vote in a local government election, they find that system too hard to understand. That is a completely implausible argument.

Mr E.S. Ripper: The people who vote in local government elections would be among the most committed of voters, because voting is voluntary.

Ms A.J.G. MacTIERNAN: Yes. That is exactly the point. People's capacity to exercise a preferential vote has been demonstrated time and again. It is very interesting to look at the whole notion of a two-party preferred vote. Under that voting system, we can analyse the individual party votes and the outcome on a two-party preferred basis. Clearly, people understand how that system works. People want to have the opportunity to vote Christian Democrat first and Liberal second, or Green first and Labor second. People understand where their vote is going to end up, but they want to colour or nuance their vote. The proportional preferential system gives people a greater opportunity to express their range of views. As the member for Warnbro has pointed out, under the first-past-the-post system that is proposed in this bill, it is often the case that the person who is elected has support from fewer than 50 per cent of the population. Why take away from the voting public the opportunity to nuance their vote? Why take away from people the opportunity to exercise a first preference, and then also ensure that that vote is passed on? As I have said, the argument that people do not understand the proportional preferential system has been shown to be completely false by the fact that this system has been working well for decades in Australia at both the federal and state level. As the member for Warnbro also pointed out—I have certainly seen this happen—it is very easy to run a scam under a first-past-the-post system. One party in an election may run a bogus candidate who is not serious about getting up but who appeals to people who have adopted a certain set of issues, and that candidate may take enough votes away from his or her opponent to undermine the vote for that candidate. That type of scam cannot occur under a preferential voting system. To give an example, if people feel

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that a particular issue in local government is of extreme importance, they can put their preferred candidate first, and they can give their second preference to a candidate who has a similar view, and they will know that that candidate will not be undermining the position that they want to see advanced.

There is no intellectual argument in favour of this proposed system. The population is capable of understanding preferential voting. We know that and for decades have seen them exercise their ability to do that intelligently. We know that preferential voting offers a greater capacity to ensure that people are happy with the final outcome. It offers people a greater choice. A person's choice will be diminished by moving to the proposed system.

The member for Warnbro made an important point about having in place a consistent system for voters so that when they exercise their vote in the various fora of federal, state and local government elections, a similar system is in place, including a similar way of marking the ballot papers and having their vote counted. That is very important. This proposed system undermines the likelihood of people confidently making a formal vote at a state and federal level. It is quite disgraceful that this could be introduced without any argument being put in support of it. I do not know whether at some point the Minister for Local Government will articulate his argument other than just to say that it is popular. I certainly would be extremely interested in hearing an analysis of how this system will add to the quality of choice that people have and how it will add to the quality of our democracy. It is self-evident that this will do the opposite. This is a measure that the government should be ashamed of. If the government's only argument for this is that it is popular, I would contest that. Although one might argue that the incumbents in local government might have been persuaded by a very conservative local government association to take that view, I would be very interested to see what the view of local government will be after a proper analysis of these issues. This is truly a very distressing, backward step for us.

I ask the Minister for Local Government to give us some greater clarity of what is being proposed. The legislation says that regulations will indicate how a ballot paper can be marked. The member for Warnbro made some comments on that. Has the minister produced those regulations?

Mr G.M. Castrilli: They will be produced.

Ms A.J.G. MacTIERNAN: Does the minister know what their content is?

Mr G.M. Castrilli: We will discuss all that later.

Mr P. Papalia: Will it be the same as before?

Mr G.M. Castrilli: Carry on.

Ms A.J.G. MacTIERNAN: This is really interesting. I hate to say this, but I am not sure whether the minister actually knows the answer to this. This is a critical part of the bill. Whether the ballot papers are marked with numbers or with ticks and crosses actually changes the impact of the bill and the way in which the bill will work. Will the minister perhaps give us a little hint? Will it be numbers? Is that how the ballot papers will be marked?

A government member interjected.

Ms A.J.G. MacTIERNAN: What a disgrace it is that we have to fish for this information. What a disgrace that the government has neither the ability nor the commitment to introduce a piece of legislation with a decent second reading speech! This is a piece of legislation about how people will vote and the minister cannot even tell us whether numbers will be used on the ballot papers!

Mr G.M. Castrilli: Regulations will be produced, and it won't be numbers.

Ms A.J.G. MacTIERNAN: Sorry?

Several members interjected.

The ACTING SPEAKER (Mr V.A. Catania): Order, members! The member for Armadale has the call.

Mr G.M. Castrilli: Regulations will be produced, and it won't be numbers.

Ms A.J.G. MacTIERNAN: It will not be numbers?

Mr G.M. Castrilli: No.

Ms A.J.G. MacTIERNAN: I think we will get a chad! I can feel a chad coming on. We will get the chad system.

Extract from *Hansard*
[ASSEMBLY - Tuesday, 5 May 2009]
p3296b-3342a

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Mr D.A. Templeman: Let it be shown in *Hansard* that the carrier pigeon from Jandakot passed a piece of paper to the minister telling him the answer.

The ACTING SPEAKER: Member for Mandurah!

Several members interjected.

The ACTING SPEAKER: Order, members! The member for Armadale has the call. I am sure that everyone wants to listen to the member. If other members want to hold a conversation, please take it outside the chamber.

Mr G.M. Castrilli: The member for Armadale heard my answer.

Ms A.J.G. MacTIERNAN: I did not hear it.

Mr G.M. Castrilli: You did hear my answer. I said that the regulations will be produced but it will not be numbers.

Ms A.J.G. MacTIERNAN: That is what you said after you got the note.

Mr G.M. Castrilli: I did not.

Mr D.A. Templeman: I have never seen that happen in the house. A carrier pigeon from Jandakot brought the minister a note. I am outraged!

The ACTING SPEAKER: Member for Mandurah!

Ms A.J.G. MacTIERNAN: Perhaps I can seek clarification from the Minister for Local Government. Does he consider the number 1 to be a number? Mathematics obviously was not his strong point!

Mr D.A. Templeman: The Premier will be in here any minute to save the day.

The ACTING SPEAKER: Member for Mandurah!

Mr D.A. Templeman: I can see it now. He will be watching and saying, "Goodness! I had better get in there and take over."

The ACTING SPEAKER: I call the member for Mandurah to order for the first time.

Ms A.J.G. MacTIERNAN: Our fishing expedition has produced this.

Mr D.A. Templeman: Here he comes!

The ACTING SPEAKER: Order, members!

Mr D.A. Templeman: The Apache has come back.

The ACTING SPEAKER: Order, member for Mandurah!

Ms A.J.G. MacTIERNAN: It is central to this legislation to understand precisely how a person will mark the ballot paper. As I said, perhaps the minister has found the detail a little challenging.

The important point that I want to make today is that not one shred of evidence has been advanced to support this legislation or to explain why we are moving to a less democratic system that will offer people fewer choices and less control over whom they vote for. The system will leave itself open to great rorting. That is not just theoretical; we know and understand from past experience how these first-past-the-post systems have been rorted, particularly when ballots are single member only. We cannot support this legislation. Our policy is that when we return to government, we will again restore a proper and consistent —

Mr C.J. Barnett: You only had it in place for one election.

Ms A.J.G. MacTIERNAN: Was it in place before then?

Mr C.J. Barnett: No. You had it in place for one local government election.

Ms A.J.G. MacTIERNAN: The Liberal government changed it in 1995 when the Local Government Act was introduced. Prior to that, of course, it was consistent. When we got back into government, we reinstated it, and we will reinstate it again. However, it is very sad to see that this legislation will break that consistency that has existed at the federal, state and local government levels, and a consistency that I believe adds great strength to our democratic system. I oppose this legislation, as do my colleagues.

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MR E.S. RIPPER (Belmont — Leader of the Opposition) [5.29 pm]: I also oppose this legislation. What is the government's justification for converting a sophisticated, modern electoral system for local government elections to a crude and old-fashioned electoral system? What is the government's justification for moving from a system that gives us in councils a proper reflection of the diversity of community view, to a system that will give us only a crude approximation of the different tendencies of opinion within the community? If members go to the second reading speech to look for the justification, they will be very disappointed. The minister should be ashamed of this second reading speech; it is a most inadequate second reading speech. The only argument advanced is, as my colleague the member for Armadale pointed out, that the new electoral system introduced by the previous government was unpopular with people elected under the old electoral system. There is no reference to what voters feel or what voters might like to see with regard to their electoral system; it is all about what the people who were elected under the old system feel about the introduction of the new system. When we look in the second reading speech for any further justification, we read —

The sector's concerns with the unpopular preferential proportional representation system are that it is complicated and difficult to understand;

That is the first argument. This is the system that is used for the election of the Australian Senate; it is a system that is used for the election of the Legislative Council in Western Australia; and when there are single vacancies it is the system that is used for the House of Representatives in the Australian Parliament and for the Legislative Assembly in this Parliament. Voters well and truly understand. They have been using this system since the 1920s for single vacancies, and they have been using this system since the early 1950s or the late 1940s for the election of the Senate for multiple vacancies. Therefore, from a voter's point of view that argument simply falls away.

The second objection proposed in the second reading speech states —

that it is time consuming, requiring new and additional resources to apply;

It is true that a manual count of a proportional representation ballot for multiple vacancies can be a reasonably complicated pencil-and-paper exercise; however, a manual pencil-and-paper count is not required. Every local government has available to it free software that will enable the computerised counting and distribution of preferences—free software. That argument, therefore, falls away completely.

The next argument is —

that it was hastily introduced without prior consultation.

This argument implies that it is some new and foreign system that Australian voters are unused to. They have been using this system for decades in the state and federal Parliaments. From a voter's view there is no difference between what they are asked to do with a local government ballot paper under this system and what they are asked to do at a federal or state election.

It is, therefore, a completely inadequate—indeed embarrassingly inadequate—justification for a proposal to impose an unfair electoral system on local government. We know that it is unfair because in single vacancy elections the first-past-the-post voting system allows a candidate with minority support to be elected; therefore, someone who is opposed by the majority of the electorate can nevertheless be elected under the system of election that the minister supports. What is fair about that? What is democratic about that?

We then go to the way in which the system works with regard to multiple vacancies. Again it is a very unfair system. It allows the winning team to take all vacancies. This is the way it works: voters put down a number of ticks corresponding to the number of positions available. If two positions are available, voters put two ticks against the candidates; therefore, people run as teams on tickets. If a team can get a plurality—not a majority—they can take both vacancies. I therefore believe the minister must do more than he has done in the second reading speech to justify why we should move away from the Australian tradition. Overseas the preferential ballot is called the Australian ballot. It is called the Australian ballot because it began here and it is used most frequently here, although it has been used in some other places. We decided many decades ago as a national community and as a state community that preferential voting was the fairest system for a single vacancy, and proportional representation is the fairest system for a multiple vacancy.

To give members some idea of how this proposed new system would work, I looked at Antony Green's analysis of results of the 2008 Western Australian state election to see what would have happened had the minister's new system applied at that election. As I looked at the seats in alphabetical order I found, interestingly, that the seat of Alfred Cove would not have been won by the member for Alfred Cove had the minister's new voting system

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applied, because the results in that seat gave the Liberal Party 43.1 per cent of the first-preference votes, whereas the Independent candidate, now the member for Alfred Cove, had only 27 per cent of the first-preference votes. Therefore without preferential voting—without a distribution of preferences—the Liberal Party with just 43.1 per cent of the vote would have won the seat of Alfred Cove. I therefore wonder why the member for Alfred Cove feels that she could vote for this legislation—if she does feel that she could vote for this legislation.

Dr J.M. Woollard: You'll have to wait and see, won't you?

Mr E.S. RIPPER: I will have to wait and see. However, I will be surprised if the member for Alfred Cove feels that she can vote for this legislation, given that had it applied to her seat she would not be here, but a Liberal Party member would be here with 43.1 per cent of the vote.

Dr J.M. Woollard: Is the Leader of the Opposition going to be supporting me to stop the government moving into our native forests to burn them?

Mr T.G. Stephens: That would be a red herring!

Mr E.S. RIPPER: I think that is an irrelevance and a red herring. However, I would be very happy to discuss with the member for Alfred Cove any view she might have on a range of policy issues, particularly if that discussion resulted in her change of vote on any single occasion in which we had a discussion like that.

I then looked down the alphabetical list and came to the seat of the member for Forrestfield. I found that if this first-past-the-post voting system had applied, regrettably, the Liberal Party would have won his seat with just 40.9 per cent of the vote. I do not believe the member for Forrestfield agrees that that would have been a democratic result. I certainly do not agree that that would have been a democratic result.

Mr A.J. Waddell: I might have got a 24-hour police station!

Mr E.S. RIPPER: That was a promise?

Mr A.J. Waddell: That was a promise.

Mr E.S. RIPPER: Is the government going to deliver on that promise, Premier?

Mr C.J. Barnett: It depends on what a strong case you make for it.

Mr E.S. RIPPER: I do not think there is a single member of the National Party present in the chamber. The next seat I wanted to deal with was the seat of member for Moore. Under the minister's system, the seat of Moore would have been won by the Liberal Party with 40.5 per cent of the vote. As we know, it was won by the National Party after the distribution of preferences. Mr Acting Speaker (Mr V.A. Catania), I ask you to draw this to the attention of the Speaker when next you discuss this matter with him.

The final seat that I looked at was the seat of Morley. Interestingly, had the minister's system applied, the seat of Morley would have been won by the Labor Party not by the Liberal Party, but with only 35.7 per cent of the vote. Had the minister's system applied, at least four seats would have had different results in the Legislative Assembly. I do not think anyone, even members opposite, would have been comfortable with those four seats going to the winner on a first-past-the-post basis. If it is not fair in the Legislative Assembly, why is it fair in local government?

I then looked at the way the system might apply in elections at which there are multiple vacancies. I got a most interesting result. As members know, the result in the Legislative Council was Liberal Party 16 seats, Labor Party 11 seats, Greens four seats, National Party five seats, for a total of 36 seats. I then looked at how the system would work if the number of ticks corresponded to the number of candidates. If we applied the minister's system and voters fronted up for a Legislative Council election, they would make six ticks, and presumably those six ticks would go to candidates from the party of the voters' choice. If that had happened in the last state election, the Labor Party would have won all six seats in the East Metropolitan Region, with 41.1 per cent of the primary vote. In the North Metropolitan Region the Liberal Party would have won all six seats, with 46.29 per cent of the vote. In the South Metropolitan Region the Labor Party would have won all six seats, with 40.61 per cent of the vote. If we then go to the Agricultural Region—a very interesting result there—the National Party would have won all six seats, with just 33.4 per cent of the vote. In the Mining and Pastoral Region the Labor Party would have won all six seats, with 34.1 per cent of the vote. Finally, in the South West Region the Liberal Party would have won all six seats, with 39.41 per cent of the vote. The result in the Legislative Council would have been quite different. There would have been a hung Parliament: the Liberals with 12 seats, the Nationals with six seats and Labor with 18 seats. Do members opposite think that would have

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

been a fair and democratic result, either across the board or in the regions where the winning ticket was able to take all? I say again: if it is not fair in the Legislative Council, why is it fair in local government?

The argument for this change that the minister has embarked upon is that somehow or other the new preferential voting system—which is really the old preferential voting system that Australians have been used to since the 1920s—will encourage party politics. I do not think any evidence has been presented that preferential voting has encouraged party politics. I think other factors are at work. In fact, our community has shown a resistance to overt party political identification in local government. By and large, I do not think that voters want to see overt party political identification in local government. Whatever voting system is applied, they will follow that inclination. I do not see that there will be any impact from a change in voting systems on the involvement of political parties in local government.

The second argument against the previous Labor government's proportional representation system, and the second argument for the minister's change, is that somehow or other Labor's system—that is, the system that the country has known for 50 or 60 years in the case of the Senate and since the 1920s in the case of the lower house—would somehow promote ticket voting. I think the reverse is true. Proportional representation in local government discourages the formation of ticket voting. This change that the minister is proposing will have a perverse impact. It will encourage tickets, because there is a real reward if candidates run on a ticket. If candidates team up with enough people to fill every vacancy and if they can get a simple plurality, if they can come first in the votes and the number of ticks, they take all the seats. This is how local government works: everyone runs with a running mate. If there are two vacancies, two candidates will run together. Even if they get only 35 per cent of the vote, as long as they are ahead of everyone else then both candidates will be elected. Quite contrary to the arguments of those incumbents in local government who were elected under the old system, what the minister is proposing will encourage ticket voting and encourage a winner-take-all mentality, because there is full value for the votes of a team. They can sweep 100 per cent of the vacancies with 50 per cent plus one of the votes; indeed, with fewer than 50 per cent plus one of the votes, if they can just get ahead of everyone else in the race.

This will be bad for local government. It will mean that our councils will not be as representative of the community as they could otherwise be. Resident groups and environmental groups in particular will find it more difficult to have people elected to councils as a result of the decision that the minister seeks to impose through this legislation. Our councils will be less reflective of the diversity of opinions in our communities.

The legislation will also have a detrimental impact on state elections, where people have to vote “1, 2, 3”; they must number every square. In council elections they will be able to go along and tick the box. Too often we see informal votes in state and federal elections because people have made the mistake of thinking that all they need to do is tick the box. This amendment will contribute to voter confusion and to informal voting in our elections. It is an unfair system that will have perverse results. We would not accept it for state elections or for federal elections, but the government is proposing to impose it on local government councils. I oppose the bill.

MR F.A. ALBAN (Swan Hills) [5.48 pm]: The Leader of the Opposition omitted some facts. There is a distinct difference between local governments and state and federal governments. One difference is that voting in state and federal elections is compulsory, whereas voting is not compulsory in local government elections. It is not correct to draw comparisons.

On the one hand, state and federal government representatives receive adequate remuneration, whereas local government representatives receive a pittance. I have been elected twice in a local municipality in a first-past-the-post situation.

Several members interjected.

Mr F.A. ALBAN: It is not that funny; there were not too many candidates close to me, so I am not worried about it.

The interesting point is that this side of the house is composed of many former local government councillors, whereas I think the member for Mandurah is the only Labor Party member who has served as a local government representative. However, the Labor Party has learnt a lesson, as I believe that in the seat of Fremantle it has chosen someone from local government to represent it.

Point of Order

Mr P. PAPALIA: The member is misleading the house.

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

The ACTING SPEAKER (Mr V.A. Catania): The member for Swan Hills has the call.

Debate Resumed

Mr M.P. Whitely: You know that is not true—Michelle Roberts, Alannah MacTiernan, John Hyde, Mark McGowan —

Mr F.A. ALBAN: The difference is that in elections for state governments there is always a surplus of candidates. In local government, there are seldom more than one or two, so the competition does not exist. On the one hand, the opposition says that the government should talk to the municipalities about amalgamation, because the municipalities are upset about it, while on the other hand, when the previous government brought in this voting system it did not consult with anyone; it said that the local governments were silly and did not know what they were talking about. Before the preferential system was rammed down our throats, my municipality opposed it. The Western Australian Local Government Association opposed it, but the previous government went ahead despite, to a man, every single councillor, every single municipality and the Western Australian Local Government Association, opposing it. We opposed it, to a man. We would go along fine; the whole system was fine, and then all of a sudden we come up with complications like the fact that there are four boxes being very confusing to ethnics. What a lot of rubbish! Do they think we have no brains and no-one to talk to? We know which boxes to mark and which boxes not to mark. Have members opposite talked to anyone? They come in here ranting and raving and saying that they know it all, but they have not talked to a single soul. Which councillors have they talked to? Have members opposite talked to the Western Australian Local Government Association? It would soon tell them what track they are on. They are lost—that is how serious it is. It is a straightforward situation. It is not compulsory, so people are not forced to vote. Yes, there are cases where some funny stuff has happened. Apparently, in one of the elections, someone with only a handful of primary votes managed to get elected. Someone who had only about a dozen primary votes, and whom nobody thought of as a potential candidate, got elected. That is why all the local government councillors and associations do not want it. Opposition members can make their own stories as they go. It is the correct thing to do. Every single councillor and the Western Australian Local Government Association thinks it is a wonderful thing and it should never have been reversed in the first place.

MR T.G. STEPHENS (Pilbara) [5.52 pm]: I take this opportunity of speaking in this debate because I have been persuaded of the merit of arguing against the Local Government Amendment (Elections) Bill 2009 by three very compelling speeches so far delivered on this side of the house. One of the strongest points in the debate about why we should not be advancing this legislation at this time is that there are so many important issues to be dealt with. On the notice paper today, right beside number 1, are the words “Local Government Amendment (Elections) Bill 2009 (Minister for Local Government)”. Instead of dealing with the challenges that Western Australia and this government are faced with—the Minister for Local Government is himself one of those problems and one of those challenges—the government advances this bill. Some people have said to me that one of the reasons for advancing the bill at this time is to deal with the challenge represented by the Minister for Local Government—put him on display, see what he can do and see how long he lasts. On the basis of his responses by way of interjection in the debate to this point, he has problems.

Mr J.M. Francis interjected.

Mr T.G. STEPHENS: The member for Jandakot has not even been able to help him out with a carrier pigeon exercise. He pledged to me today that he would be very well behaved. I am sure that ambition has finally taken hold of him, and he knows that the Minister for Local Government is just about dead on his feet. If the government can give this bill some priority, it will be able to finally kill him off, and replace him with the member for Jandakot.

Mr J.M. Francis interjected.

Mr T.G. STEPHENS: Does the member support number 1?

Mr J.M. Francis: Of course I support the legislation.

Mr T.G. STEPHENS: He said he was going to be very well behaved from now on, and keep himself in check. I asked him whether ambition had finally taken hold. He did not reply to that, so I will not put words into his mouth. One of the reasons this bill is number 1 on the notice paper is that this is the chance to finally kill off the Minister for Local Government, and show exactly how inadequate the minister is in delivering such an inadequate response to the challenges of local government and the needs of the Western Australian community with a measure of this sort.

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

There is another reason for this legislation. In the olden days people used to say that they absolutely loathed the Labor Party running for local government.

Mr D.A. Templeman: They hated it.

Mr T.G. STEPHENS: They hated it. They said to one of those local government conferences that it was a disgrace that the Labor Party was introducing politics into local government. In the olden days they all used to be Liberals. That was once the case. I have no doubt that the Leader of the House wants to advance this bill, because he wants to protect the Liberal Party in local government, and ensure that local government resumes its role in bolstering the Liberal Party in Western Australia. He wants to make sure that local government is not a democratic place where all varieties and shades of political opinion can be manifested, but rather he wants to return to the good old days when the Liberal Party dominated local government. That is why this bill is a priority before this Parliament—it is to put back into local government that which once was always there.

Mr R.F. Johnson: What—democracy?

Mr T.G. STEPHENS: No, the Liberal Party. Do members opposite not know their history? I will tell them their history. The one thing that the Liberal Party has not been committed to is the advancement of democratic principles. In the whole history of democracy in Western Australia, the Liberal Party and its predecessors have opposed the democratic tradition. When I was first elected to the other place, I stood because of the Liberal Party's preoccupation with destroying the flower of democracy in the north west of the state.

Mr J.M. Francis: How much did you win by?

Mr T.G. STEPHENS: An overwhelming majority in the upper house.

Mr J.M. Francis: How many were there on the roll?

Mr T.G. STEPHENS: At that time on the electoral roll in the seat of —

Mr J.M. Francis: Was it one vote, one value?

Mr T.G. STEPHENS: I am talking about another topic. I am telling the member about the Liberal Party's preoccupation with destroying the flower of democracy as it has existed in this state.

Several members interjected.

Mr T.G. STEPHENS: Members opposite do not know their history. I will tell them their history. When I stood for election for the North Province, in 1982, I did so after committing myself to that course of action while I was locked up in the Wyndham Prison. Why was I locked up in the Wyndham Prison? Because I had championed the rights of Aboriginal people to vote. The Liberal Party unleashed malapportionments on the Aboriginal people and vengeance on those who stood alongside them. It caused one of its own members to resign, and precipitated a by-election, at which I was elected. Hon Bill Withers resigned out of disgust and in protest at the Liberal Party. The Leader of the House suggests that the government has advanced this bill because of its interest in democracy. What a hypocrite! It is a party that has been preoccupied with destroying and delaying democracy in the state. It used to support the property franchise. It used to support the restriction of the vote for the Parliament to men and property owners. Now the government says that it has advanced this bill at a time of global financial crisis because it has an interest in democracy. The Liberal Party and democracy have been strangers for all of its history. It has been dragged kicking and screaming in opposition to the democratic flower. Every time there has been reform of the electoral process, the Liberal Party has opposed it. On this occasion, government, with a glint in its eye, sees a chance to restore local government as the great bulwark of the Liberal Party throughout regional and metropolitan Western Australia; to create once more the prospect of destroying alternative viewpoints in local government other than those committed to the good cause of the Liberal Party. The Leader of the House put a false argument about why this bill should be given priority. There is no justification for giving this bill priority.

Mr J.M. Francis interjected.

Mr T.G. STEPHENS: The member is absolutely right. I stand before him as a mere cipher, representing a very small number of voters. The fly in, fly out phenomenon has created that challenge in the Pilbara.

Sitting suspended from 6.00 to 7.00 pm

Mr T.G. STEPHENS: We were told earlier in the afternoon that the reason the Local Government Amendment (Elections) Bill was brought on is the government's commitment to democracy. Therefore, we were speaking about democracy and about hypocrisy. We were speaking about the hypocrisy of a government that would

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suggest that it has given this bill priority because of its professed commitment to democracy. If ever there was a party or a group that should be more ashamed of its history in dealing with the issues and the principles of democracy, it is the Liberal Party. The Liberal Party throughout its history has campaigned at every twist and turn along the pathway against delivering the flowering of democracy and has done everything possible to try to prevent the arrival of the full-blown flower that democracy in this state should be. It has been the Liberal Party that has tried to thwart —

Mr P. Papalia: Stunt and twist.

Mr T.G. STEPHENS: Absolutely! An awful rose is what it wanted to deliver to this state—one that did not allow people to vote. Firstly, the Liberal Party opposed the concept of allowing people without property to vote. The Liberal Party and its spiritual predecessors opposed the concept of women voting and, in my lifetime, absolutely fought tooth and nail to prevent Aboriginal people voting and as a result —

Several members interjected.

The SPEAKER: Order, members! The member for Pilbara has his feet—and other things.

Mr T.G. STEPHENS: As a result of the Liberal Party's cavalier and awful treatment of democracy, I found myself championing the cause of democracy—the right of Aboriginal people to vote and to deliver to this Parliament the Aboriginal member for that area, Ernie Bridge, when he was first elected. I championed that cause at my peril and ended up being charged with the awful offence, as it was then, delivered by an act that had been twisted and distorted by the then government of the day to create an offence to assist Aboriginal people in voting —

Mr R.F. Johnson: Where does the member's spiritual ancestors reside?

Mr T.G. STEPHENS: Firmly committed to democracy! This bill is not about democracy. We have established two things in my contribution to the house at this point. Firstly, this bill has been given priority because of the misplaced focus of this government. Instead of focusing on the challenges delivered to the state of Western Australia by a global financial crisis and where it might focus on the fact that jobs are disappearing, there are tasks at hand and that the government should focus on the real game—whang!—we move on to a bill to amend the Local Government Act. In the view of this government, local government is the true home and hearth for the Liberal Party. After the passage of this bill, there can be no other participants in local government other than those who can utilise a distorted system that will deliver local government back to the home and hearth that the Liberal Party has always and previously found that it should be. I was asked another question by the newly reformed member for Jandakot. He asked: how many people do I represent? He gave the answer to the house; he said I am elected on about 3 700 votes. This is the man who is part of a government that says we should look to the advice and leadership of the Western Australian Local Government Association. The leadership of that structure is elected by a vote of, I think, 36 votes that is his constituency —

Mr P. Papalia: He's not, because no-one stands against him!

Mr T.G. STEPHENS: No-one stood against him. Bill Mitchell represents a constituency that has 36 constituents and this is the —

Several members interjected.

Mr T.G. STEPHENS: I think sometimes we need to temper what Bill Mitchell has to say. One basis on which I temper what he says is that I know —

Several members interjected.

Mr T.G. STEPHENS: I like Bill; he is a very good Liberal. He does a good job for the Liberal Party and for the local government association. In fact, he probably would have made a better member of Parliament than those people who knocked him off for preselection when he stood and who are still in the upper house. Bill would have been a much better Liberal representative in the upper house than some of those people members opposite have. Nonetheless, Bill has the run of the local government association and he does his best; however, he does represent 36 voters—it might be 37 or 38, but it is roughly that number. Therefore, we cannot always judge a person simply by the size of his or her constituency.

Mr J.M. Francis interjected.

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Mr T.G. STEPHENS: Listen, the member made his point and he made it reasonably well. It causes me some embarrassment that I stand in this house representing the smallest number of voters in this state. It is a disgrace! The fact that the great economic powerhouse of the state —

Several members interjected.

The SPEAKER: Order, members!

Mr T.G. STEPHENS: If members opposite had their way, there would probably be 12 or 24 members for Pilbara because they would say that we should be representing sheep. The tradition of the Liberal Party in past years was to argue the vote based on the number of sheep an area had or the amount of wealth it created. On that basis, the Pilbara should have the benches full of people because that was the way the Liberal Party determined what should make up the democratic expression of Western Australia. It would give votes on the basis of the number of sheep or the property an area had or the wealth it generated. The Liberal Party was not interested in the fact that the people are what democracy is about.

Several members interjected.

Mr T.G. STEPHENS: I am talking about the history of the Liberal Party. If members listen for a while they will learn, but that is the history of the Liberal Party in Western Australia. That is why the Liberal Party has been able to deliver to the national Parliament such marvellous expressions of the party—people like Senator Ross Lightfoot who have really embodied the Liberal Party in this state and everything it has ever stood for. Wilson Tuckey absolutely embodied the firm principles of the Western Australian Liberal Party. We could see them arriving in the national Parliament, a great disgrace to the nation but embodying the principles of the Liberal Party as they arrived in the Senate in the national Parliament.

I think I digress, Mr Speaker.

The SPEAKER: Yes, the member has digressed.

Mr T.G. STEPHENS: We were told that the question is about democracy —

Mr R.F. Johnson: No, it is about the bill.

Mr T.G. STEPHENS: That is right, but the government told us that this bill is being given priority because of the government's passionate preoccupation with democracy, and I hope that we have laid that false argument to rest.

As well as that, I want to correct a mistake that was made on this side of the house. I very rarely find any mistake articulated or made by my colleague the member for Armadale.

Mr R.F. Johnson: We've found hundreds!

Mr T.G. STEPHENS: No, the Leader of the House is wrong. She has never made many mistakes in my experience. However, in an earlier contribution in the house, the member for Armadale said that people who turn up at a polling place for the state or federal elections can do whatever they like after they have been given their ballot paper. They can take it out if they like and not deliver it.

Mr R F. Johnson: No, they have to put it in the ballot box.

Mr T.G. STEPHENS: They are obliged; it is an offence not to deliver the ballot paper into the ballot box.

Mr R.F. Johnson: Correct.

Mr T.G. STEPHENS: Let the record be corrected: the ballot box is the place where the ballot papers must be put with or without a number. Bigger mistakes than that made by the member for Armadale were made in the house this afternoon; it was by the Minister for Local Government. He could not even tell the house whether the number 1 is a number. I wonder whether the Minister for Local Government can tell us whether that figure that we often recognise as a 1 is a number? For the record, the minister laughs! Is it a number? I was hoping, over the dinner break, there might have been some coaching provided for the Minister for Local Government, because I fear that the member for Jandakot is after him! The knives are out and that is the reason that this bill has priority—to deliver empirical proof to the Liberal Party benches that this minister is stuffed and it is time for him to move on! The dead minister walking! It is time to give someone else a go, and that is one of the reasons —

Point of Order

Extract from Hansard
[ASSEMBLY - Tuesday, 5 May 2009]
p3296b-3342a

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Mr R.F. JOHNSON: What we are hearing is very amusing, but it has no relation to the bill in front of the house.

Debate Resumed

Mr T.G. STEPHENS: I return now to the bill. The bill does not deserve the support of the house. It does not deserve the priority that has been given to it by this government. It does not deserve the support of the Parliament of Western Australia. Local government should instead have the opportunity to reform—reform that should have been embodied in this bill. Simultaneously, it should have had delivered to it a change of minister. It should have someone who can look after the interests of local government well rather than deliver to it the chaos that has been created by this minister since he has been in office.

There are so many things that could be done for Western Australia well in the face of a global financial crisis, but changing the local government voting system, as envisaged by the Minister for Local Government and by this government with this bill, is not of great priority or great merit. Sure, it might win the government a few more friends in Liberal Party constituencies, but it is not essential to meet the challenges with which we are faced. However, I think it will deliver one benefit; that is, it shows that we need a new Minister for Local Government. I think his mishandling of this issue is going to deliver that outcome for Western Australia, and that will be a relief.

MR D.A. TEMPLEMAN (Mandurah) [7.12 pm]: I am very pleased to make a contribution this evening to the Local Government Amendment (Elections) Bill that is before us. It has been very interesting to listen to the debate and to some of the discussion about some of the issues that members opposite have highlighted. Indeed, it has been very interesting to listen to some of the sensible and appropriate comments that have been made on this side, starting of course with our shadow spokesperson for local government. As opposition Whip I am in this place for most of the time we are sitting, and I get to listen carefully to the comments by various members and indeed to see the goings-on that take place and the interesting body language and movements that occur. It was fascinating to be here this afternoon. Mr Speaker was not in the chair, but he would have been fascinated by the experience that the house had to endure during some very sensible and very simple questioning that was put to the Minister for Local Government by the member for Armadale about the process of voting in this back-to-the-past approach by the current government. It was very interesting to see what occurred when the member for Armadale put a very simple question about voting methods to the minister. Not only could he not or would not answer the question, but the carrier pigeon from Jandakot flew to the back of the chamber to grasp in his hand the missive that was meant to give the minister some direction in terms of this bill and the very simple question that was asked by the member for Armadale. The member for Jandakot, the carrier pigeon that he was, swooped past and tried to deliver the answer, but he was caught out by a number of members on this side. Then the minister tried to pretend that he was not going to give the answer—"I do not have a piece of paper!"

Point of Order

Mr J.M. FRANCIS: The member is clearly misleading the house on this one. I think I deserve to make a brief explanation. Not at any stage did I take a piece of paper from anyone at the back of the house. What I had in my hands were my own notes. Not at any stage did I give the minister —

The SPEAKER: If the member wishes to make a point of order, he needs to indicate to the house what he might be disputing. I do not hear a point of order.

Debate Resumed

Mr D.A. TEMPLEMAN: I have obviously touched a raw nerve with the member for Jandakot! A raw nerve has been touched and he is a little upset with my line of debate. It is a bit sad. I think it demonstrates the eagerness of the member for Jandakot. He is actually not a carrier pigeon—he is a vulture! Why? Because he is now circling. He now is a vulture circling the Minister for Local Government because he senses that there is in fact a chance for him to swoop and take a ministerial position. What a terrible thing for a member to do to a member on his own side. Maybe that says something about the character of the member for Jandakot.

I wish to correct a couple of things that were said by members opposite. The member for Swan Hills mentioned in his speech the lack of local government experience on this side of the house. He did point out, appropriately, that I am a former member of local government. The member for Swan Hills led the house to believe that there were no other members on this side who had local government experience. He was factually wrong and I would like to correct that. Not only have I served in local government on this side, but so has of course the member for Perth, a former mayor of the Town of Vincent; the member for Armadale, a former councillor of the City of

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Perth; the member for Midland, a former councillor and deputy mayor of the City of Perth; and of course the leader of opposition business in this place, the member for Rockingham, a former councillor and deputy mayor of the City of Rockingham. It is important that the member for Swan Hills is corrected in those terms.

The point of this bill is to take us back to the downfalls and pitfalls that we had in the past of a process of voting, as the Leader of the Opposition very clearly and succinctly highlighted, which of course is the first-past-the-post proposal in this bill. One of the issues mentioned by the Leader of the Opposition in his contribution to this debate was the potential for the first-past-the-post process to inappropriately and “misrepresentatively”—if there is such a term—reflect the results. I am going to expose the exploitation of the first-past-the-post process because I was involved in it. In 1994 I was elected a member of the Mandurah City Council in a process that was first past the post. There was only one vacancy in the north ward, and there were only three candidates. I achieved an absolute majority of the votes overall, so I was elected under that process.

Mr M.J. Cowper: What’s wrong with that?

Mr D.A. TEMPLEMAN: This is where I am exposing something very interesting. In the next election, there were two vacancies in the north ward. Pre-1994, it was preferential voting. Post-1994, when the former Liberal government under Premier Richard Court came in, it was changed to first-past-the-post, which is the proposal in this bill. In the second election in which I was involved, there were two vacancies in the north ward, but there was a new voting process. It was the first-past-the-post process, which this minister is now proposing. What did that do? There were two vacancies, so what did that mean in ensuring that people gave themselves the best possible chance of securing a seat? It was to do the tick, tick. It was to band together with somebody else to ensure that a person maximised his or her potential of being elected.

The member for Jandakot will be very interested in this, because members would not believe which person was on my little card. He was a member of the Labor Party then. When people prepare their how-to-vote cards and go doorknocking, they say, “Here’s my card. Vote for me.” One person’s name is on that card with a tick next to it, and the name of the candidate that that person is running with has a tick next to it. That is how it is done when there are more than two vacancies in one ward. However, members will not believe who the person was. It was my opponent from the Liberal Party who stood against me in the 2008 election. How dare we have party politics in local government—outrageous! This afternoon and this evening, those people on the other side have been lecturing us about how we must keep politics out of local government. That is a classic example of a voting system that allows this to happen and therefore means that candidates have to actually come together to maximise their opportunities of being elected. That is one example of why this proposal by this minister and this government is absolutely flawed.

During the debate this afternoon, one of the members opposite interjected and said, “No-one wants it; no-one wants it. You haven’t talked to them. No-one wants it.” I find it quite interesting that the minister seems to have one ear on what the Western Australian Local Government Association says, but is closed to other issues that WALGA presents to him. One of them is the legitimacy of local government as a level of government in Western Australia. That, of course, includes legitimising local government’s contribution and, indeed, legitimising local government in the eyes of the people of Western Australia, as are the state and federal systems legitimised, with compulsory voting. However, the minister is silent on that, even though the WALGAs of the world and the local government forums and conventions that I have attended and the Local Government Weeks that I have been involved in for many years have consistently raised the issue of compulsory voting. When I was Deputy Mayor of the City of Mandurah, I remember going to Observation City in Scarborough, I think, when Hon Paul Omodei was the Minister for Local Government, and asking him the question.

Mr R.F. Johnson: You didn’t.

Mr D.A. TEMPLEMAN: I did. I was very brave. I asked him the question.

Mr R.F. Johnson: What did you say?

Mr D.A. TEMPLEMAN: I said, “When are you going to bring in compulsory voting in local government elections so that we have a legitimised system of local government in Western Australia?” It has not happened. Now when the minister has the opportunity to make some genuine reform, he listens with filtered ears to what some of the key lobby groups and stakeholders say.

There was mention by the shadow spokesperson for local government, the member for Warnbro, of the famous meeting in Exmouth. I think what happened in Exmouth is that the minister had a few ideas, but he had not thought them through. However, he sort of let them slip. He said, “I reckon this should happen”, but he did not

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realise the implications of what he had said. Then the Premier had to rescue the minister in the months later and had to try to tell people what the minister did or did not say, or what he meant to say.

Mr P. Papalia: It's not always a good thing to be rescued by the Premier.

Mr D.A. TEMPLEMAN: No. Even this afternoon when the pressure was on and the excitement was being experienced in this place, the Premier came in again to save the minister. He did it when the Treasurer was in the central chair in the chamber during consideration in detail on the Treasurer's Advance Authorisation Bill. The Premier will have to do this all the time. He was probably sitting in his office in Parliament House, watching the television and thinking, "Oh, not another minister who's under strain. I'll have to dart in there and save him. I got the Treasurer out of the chair when he was under pressure during consideration in detail, and now that my Minister for Local Government is under pressure, I'll have to bowl into the chamber and I'll probably have to start making a few interjections." I thought the Premier had just walked in. However, he probably thought he would have to come in here, make a couple of interjections and distract everybody. This legislation is bunkum. It is poor policy. It is pathetically put together, and it demonstrates that the government of the day has no understanding and no idea of what it wants to achieve with local government reform. It has no real idea of what it wants to achieve in ensuring that legitimacy is given to local government as a genuine level of government in our democracy.

As I stated, a member opposite said, "Who supports this? WALGA supports this and everyone else supports it. Who doesn't?" The City of Mandurah does not. I will quote from a letter that I believe makes a very good point. It is a letter to the Minister for Local Government. The member for Dawesville has a copy of this letter, because it was cc'd to him.

Dr K.D. Hames: I wonder how the numbers stack up in Mandurah council and what that might indicate to you about positions on this issue.

Mr D.A. TEMPLEMAN: I do not think it makes any difference at all, because the City of Mandurah does not even support the preferential proportional process. It supports the preferential system—the firm preferential system.

I will quote from the letter to the minister from the Mayor of the City of Mandurah. I believe this is very important. The letter is cc'd to the member for Dawesville, to me, to Hon Sally Talbot and to the Western Australian Local Government Association, and clearly articulates exactly what the City of Mandurah's view is on this issue. One paragraph refers to the 2005 review process. I believe this is very important. The letter states —

You may recall that in October 2005, the previous Western Australian Government initiated a review to be undertaken by the Local Government Advisory Board into structural and electoral reform in WA Local Government.

In April 2006, the LGAB provided its report to the WA Government - *Ensuring the Future Sustainability of Communities*. Among its electoral reform recommendations, the report proposed that "the current provisions for the first past the post system of voting be retained."

However, the document continues —

Whilst the LGAB's report recommended retaining the 'First Past the Post' system, its recommendation was not conclusive. The report's accompanying discussion paper noted that "most analyses of electoral systems suggest that a 'First Past the Post' system is only appropriate for a one-vacancy election where there are only two candidates."

This highlights the point I made previously about my own experience. It also highlights very clearly the fact that there is no great mandate—as was claimed by the minister—or unequivocal support for what is being proposed here. If the minister is genuine about local government reform and about ensuring that local government has legitimacy in the democracy of Western Australia, he should be bold in ensuring that that legitimacy is demonstrated by a commitment to compulsory voting, to give one particular example.

The minister has ballsed this up; he has made a balls-up of this process. He has constantly backtracked because the Premier said —

Point of Order

Mr M.W. SUTHERLAND: Is that acceptable language to use in the chamber?

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

The SPEAKER: If members wish to raise a point of order, the matter over which the point of order is raised may be instructional to not only me, but also other members in this place. In the case of this particular ruling, there is no point of order. I ask the member for Mandurah to please continue; however, he might be a bit more selective in his language. I know he is capable of doing so.

Mr D.A. TEMPLEMAN: I will try to be less colourful with my language, Mr Speaker.

Debate Resumed

Mr D.A. TEMPLEMAN: This minister has made a complete disaster of his handling of local government and local government reform. This was demonstrated by his backtracking from comments that he made in Exmouth earlier this year and by his back-peddling, at the Premier's prompting, over the past few months. Now a distraction has appeared before the house through the presentation of this bill, because the minister does not know where he really wants reform to go and has no real idea, and is probably correct when he says that his plan is not even in his back pocket. I urge all members to be very cautious before they vote for this smelly stench of a bill. It stinks to high heaven, and it is a balls-up.

DR J.M. WOOLLARD (Alfred Cove) [7.32 pm]: That was very entertaining, member for Mandurah!

I am not surprised to see this bill before the house, because I remember what happened last year; I pulled out *Hansard*, and I remember when the current Premier spoke last year on preferential and first-past-the-post voting. On 28 February 2008 he said that at the core of democracy is the equal right to vote. He also said that Australia was the first country to introduce preferential voting, and that it was peculiar almost only to Australia. He said that we are joined in this arrangement by only two other democracies: Ireland and Malta. I believe that that claim was essentially incorrect. First-past-the-post voting is used in only 43 of 191 countries within the United Nations. Simply because the United Kingdom, the United States and Canada have first-past-the-post voting, it does not mean that Australia should follow suit. Australia has a long history of electoral reform, of following its own path and of being the leader in electoral reform. We led the world when we abandoned electoral franchises based on property ownership; we led the world when we granted women the right to vote and we led the world when we introduced the secret ballot—in the United States, it was colloquially known at that time as the Australian ballot. Preferential voting is an Australian innovation, and I believe it to be the cornerstone of our democratic system.

Unlike other countries, where voters have the right to choose only one candidate, Australia allows the community to sequentially select candidates in order of preference, so the person that they would most prefer to be elected is actually elected. I have a particular interest in this area, because in 2001 the constituents of Alfred Cove voted out the then sitting Liberal Party member, Doug Shave, and I won the seat. In 2005, the voters again had a choice, and it was not Graham Kierath who won. The people decided on the person whom they would most like to represent them, and it was their current member—yes, it was me. I was very lucky the last time, but I enjoy my role, working with the community. Last year, as all members know, thanks to our preferential system, my constituents were able to decide who they would most like to represent them, and it was not Chris Back; it was Janet Woollard, and that is why I am here today.

First-past-the-post voting can lead to a gross misrepresentation of cross-sections of society. I have looked at examples from other states and other countries. In the Midlothian district of Scotland, the Labour Party won 94 per cent of seats with only 46 per cent of the vote. The Conservatives did not win any seats, despite gaining 31 per cent of the vote. Do members think that that was fair? No, it was not. Although this result was extreme, it is not untypical of first-past-the-post voting systems, which reward the largest party at the expense of the second or third choices.

Last year the current Premier said that voters were confused and that they could not understand the current system. Whose fault is that? This is the third proposal in 15 years to change the electoral processes of local government. We already have a system that people understand; they understand the voting system at state level, they already have preferential voting for local government elections, and we should keep preferential voting.

On a wider scale, we know that first-past-the-post voting reduces the number of competing political parties, which makes it very difficult for the smaller parties and Independents to win seats. Members all know that I support Independents and try to get them to run for both local government and state government. First-past-the-post voting means that legislation is often passed quickly rather than undergoing more scrutiny and debate.

Another problem is that when the Independents and those smaller parties are ruled out, and particularly when the two big parties come to a joint agreement on something—as they have done in this house in the past few years;

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as they did on the Rottneest Island Authority Amendment Bill—there is no Independent input. The Labor Party put forward a bill that was proclaimed an act last year and resulted in a large increase in the settlement area and the loss of our environmental habitat on Rottneest Island. I am sure that had the member for Gosnells been in this place at the time, he would have crossed the floor with me. As it was, member for Gosnells, I was the only one who voted against it. We would not have that situation if we did not have Independents in this house.

The government has stated that it wants to make voting easier, but I think that the minister is ignoring that sometimes the simplest solution is not the best. Preferential voting, whilst it is more complex than first-past-the-post, produces a result that more fairly represents the opinion and the wants of the community. Unlike the other places in the world that the Premier mentioned—Canada, Ireland and Malta—when Australians vote in either local government elections or state government elections, I would like to see the most preferred candidate win that election.

MR M.W. SUTHERLAND (Mount Lawley — Deputy Speaker) [7.41 pm]: We have heard about the changes to the local government voting system since approximately 1995. I think the member for Mandurah went as far back as 1994, but in 1995 the system was still preferential voting. I will correct the Leader of the Opposition, because he said that it was the same system of preferential voting used at the moment for the Legislative Assembly; it is not, it is the same system used for the Legislative Council and it is very complicated.

In 1995, or thereabouts, the act was amended and elections were held in 1997, 2001 and 2005 whereby the winner was judged on first-past-the-post. A lot has been said about what regulations will be used to ensure that this operates properly. I see no reason why the regulations that were in force then cannot be in force now. Whilst I was serving on the council of the City of Perth there were no complaints about the system that was in place to count the votes and determine the winners on a first-past-the-post basis.

Many speakers from the opposition have said that this legislation is not essential and that we should be dealing with other matters. If it is not so essential, why have members opposite filibustered on what is essentially a simple matter? Was it essential in 2007 for the Labor Party to change the voting system from first-past-the-post to this convoluted preferential system?

Scams can also happen under the preferential system. We heard from the member for Mandurah and the Leader of the Opposition how anybody can get a team together and maximise their votes by getting those people's friends to vote for the two candidates, or whatever number of candidates there are in a ward. But we all know how the current system can be rorted, because if somebody wants to get over the line now with the preferential system, if it is a man, he finds a weaker woman to run, or somebody who is a member of the ratepayers association or the local football club.

Ms J.M. Freeman: What weaker woman?

Mr M.W. SUTHERLAND: A weaker politically, or less well-known, person in the area

Ms J.M. Freeman: Describe a weaker woman for me, please!

Mr M.W. SUTHERLAND: Or if it is a woman, she can get a weaker man to stand—does that make the member happy?

Ms J.M. Freeman: I know lots of weaker men; I just don't know many weak women!

Mr M.W. SUTHERLAND: I am sure the member know lots of weaker men—I am not surprised!

Candidates get weaker candidates in their area and they then get them to filter their number 2 preferences to them, which pushes them over the line. Members opposite should not come to this place with this sanctimonious attitude that the first-past-the-post system is open to rorting but the preferential system is not.

Mr P. Papalia interjected.

Mr M.W. SUTHERLAND: This is a very convoluted system. If there is a very strong candidate and there is more than one vacancy in a ward, he or she gets a quota.

Ms J.M. Freeman: He or she!

Mr M.W. SUTHERLAND: I do not want the member to feel in any way inadequate this evening. If he or she gets a quota, the excess quota is brought down to other candidates—the preferences flow down—which does not happen in elections for the Legislative Assembly. It flows down at a lesser value. It is a very strange system: votes cannot be cast above the line, a team cannot be voted for, and there may be one candidate who is very

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strong and hogs all the number 1 preferences, and if there are two or three vacancies the result can be skewed out.

It is no good for members opposite to say this evening that the first-past-the-post system can be rorted and favours the Liberal Party. I tell members that in local government circles people really could not understand why the Labor Party brought the new system in, in 2007. The understanding then was that because the Labor Party is so expert at union voting patterns that it would get all its apparatchiks out to get its candidates up and over the line. The same can be said about this system.

The Western Australian Local Government Association opposed the change in 2007. The Labor Party says that it will not support the changes as they are based on a populist argument, but when it suits the Labor Party, the Labor Party supports the Local Government Association on its position on local government reform, irrespective of whether Mr Mitchell is elected by 37 votes or 36 or 38. The arguments that have been thrown at us can well be thrown back at the opposition.

Mr P. Papalia: What is your position on local government reform?

Mr M.W. SUTHERLAND: My position on local government reform is to let it take its course and we will see where it takes us.

Voting at local government elections, as the member for Swan Hills pointed out, is not compulsory, unlike at state elections. It is a total furphy to come to this place tonight and say that people will get confused if they have to make four ticks. The member for Warnbro quoted statistics, and there is an old saying: statistics, more statistics and lies. Did the member take his statistics and find out how many people spoilt their ballot papers in Nollamara, Wagin and somewhere else when there was first-past-the-post voting? I do not think that is a valid argument at all. The statistics on spoilt ballots cannot be said to be worse under the preferential system.

Mr P. Papalia: They are vulnerable to having them changed.

Mr M.W. SUTHERLAND: I do not believe that is the case. It is quite simple to go to a polling station and mark a ballot paper by putting four ticks on it. The fact of the matter is that it is not compulsory to vote in local government elections. The ballot papers are posted out, and if some people do not understand what to do, it can be explained to them.

A lot has been said about how we brought this bill forward and made it more important than other important business of the state, but I tell members that from the feedback I have had from local governments, they are hoping that the present voting system is changed back to first-past-the-post. For that reason, I will be supporting the bill.

MR A.P. JACOB (Ocean Reef) [7.48 pm]: There was simply no need to change the system in 2006. I was on the City of Joondalup council at the time, and I remember that it was an issue of much angst amongst the council members. The council passed a motion—as I think a lot of councils that are members of Western Australian Local Government Association did at the time—against the proportional preferential system proposed by the then Labor government. I remember specifically that on the Joondalup council—which is not, incidentally, a Liberal council; most councillors were not Liberal Party members —

Several members interjected.

Mr A.P. JACOB: There are two; that is it.

Several members interjected.

Mr A.P. JACOB: At the time there were two. Returning to my point, the only councillors who voted for PPV at the time were Labor Party members. Every independent member—this is what I want to highlight—supported the first-past-the-post system. This system worked well for many years. The shadow minister spent the first half-hour of his contribution to the second reading debate discussing the motion on local government reform that he moved in the house a few weeks ago; he did not even debate the bill before us today. In that motion, the shadow minister was having a go at the government for its confusing, destructive and non-consultative local government policy. If members want to talk about being confusing, destructive and non-consultative, we do not really have to look much further than the proportional preferential voting system that was put through in 2006. Proposed schedule 4.1 of the Local Government Act is approximately 20 lines long. It is very simple and clear. It goes through five points.

Ms J.M. Freeman interjected.

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The SPEAKER: Order, members!

Mr A.P. JACOB: The schedule in the local government amendment bill that was passed in 2006 was 10 pages long. More interestingly, the explanatory pamphlet that summarised it and made it easier for people to understand was 20 pages long. This PPV system is like an electoral system designed by M.C. Escher—it is all over the place. I will read an excerpt from the pamphlet. It states —

For ballot papers received from the elected candidate's first preference votes, the current TV is

$$\frac{\text{Number of surplus votes of elected candidate}}{\text{Total votes of elected candidate}}$$

For ballot papers received from previous surplus distributions, the TV is

current transfer value

X

previous transfer value

Total votes for each of the continuing candidates are calculated by multiplying the number of ballot papers to be transferred to a continuing candidate by the transfer value.

Step 3 is then revisited.

Ms J.M. Freeman interjected.

The SPEAKER: Order, member for Nollamara!

Mr J.M. Francis interjected.

Mr A.P. JACOB: I had to draw a diagram to understand it, member for Jandakot. In fact, there is an animated cartoon on the web. People have to watch the animation and listen to the sound to understand the PPV system.

Several members interjected.

Mr A.P. JACOB: It is the cartoon that the previous government put up.

Members opposite commented over and again that voting systems should be consistent. The PPV system is not consistent. It is not at all like any lower house elections; it relates only to upper house elections. Upper house elections are held under a compulsory system, which is different again. The PPV system is the voting system for the upper house, but, interestingly enough, to quite famously quote an Australian Labor Party Prime Minister, he called it the system of the unelected swill.

Several members interjected.

Mr A.P. JACOB: My apologies; unrepresentative swill.

Similarly, comments have been made about rorting the system. As the member for Mount Lawley said, the PPV system, quite simply, can be very easily rorted by people who come up through the party system. The member for Mount Lawley went into that issue in depth. We have not introduced anything new in this bill. We are seeking to return the system to the status quo that worked well for many years and was unnecessarily discarded by the previous Labor government for the PPV system. This is also the system that the Western Australian Local Government Association strongly supports. I note that we did not go towards WALGA this time. We championed WALGA on the previous issue, but not this issue. I strongly support the bill and commend it to the house.

MR C.J. TALLENTIRE (Gosnells) [7.53 pm]: I rise to make a brief contribution to this debate. I do not support the Local Government Amendment (Elections) Bill 2009. A crude system has been proposed. The first-past-the-post system is a very simple but unrepresentative system. It is a crude system that does not enable the true expression of the views of voters. When multiple vacancies are available, the proportional preferential representation system is the ideal system to use. Preferential voting is something that Australians should be proud of. It was said earlier this evening that the Premier has suggested that not many countries use the preferential voting system. In fact, that is not really the case. Many countries use another version—a two-round system. In fact, sometimes the preferential system is called the instant run-off voting system, as opposed to the two-round voting system. When there are two rounds, there is a check in the first-past-the-post system. We have heard much this evening about a number of candidates managing to split the vote and that there is a risk with first-past-the-post voting in that there will be a split of votes for people who might be relatively like-minded and

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they can have so few votes as to not be able to challenge someone who has a position that is very different from that of other candidates. Indeed, there are famous examples of this. In the French presidential elections in 2002, the centre left view was split while the extreme right view got into second position. It was only thanks to the check in the first-past-the-post voting system provided by the second round of voting, which was held two weeks after the initial round, that ensured that the extreme right in France, the National Front, did not win the presidential election. People who are proposing the first-past-the-post system need to consider the experience of other jurisdictions. They need to consider having in place some sort of check that could turn out to be a complicated and costly approach by having two rounds.

Another matter associated with the first-past-the-post system is that the present system encourages candidates to preference people who have policies or positions similar to their own. Surely that is a good thing to encourage.

Mr R.F. Johnson: It doesn't encourage them; it forces them, otherwise their votes are invalid. How can you say that it encourages them?

Mr C.J. TALLENTIRE: If people are in a position to work together and make a decision on who is their next preferred candidate, that enables the voter to methodically work through the list of candidates and determine who best meets his or her preferences and then determine who his or her second and third choices might be.

Mr R.F. Johnson: What happens if voters do not want to vote for three people out of six? If they don't want to vote for those people for any reason, they are forced to; otherwise their vote is invalid.

Mr C.J. TALLENTIRE: In Western Australia we have compulsory voting, so we stick with that, but that is a separate debate.

Several members interjected.

The SPEAKER: Order, members!

Mr C.J. TALLENTIRE: The suggestion has been made that preferential voting is too complicated for some people. I point out that the Australian electorate has become well adapted to preferential voting. Voters are used to it at a federal and state level. Indeed, many clubs and associations have embraced this system; it is in their constitutions. I have certainly been party to conducting a proportional preferential ballot at the annual general meetings of different associations. It is a system that works very well. It is quite incorrect for people to suggest that this system is somehow too complicated. There are many benefits from having this kind of system. The points that have been raised tonight are sound. Perhaps one of the least satisfactory reasons for wanting to change back to the first-past-the-post system is that it is a simpler voting system. That is anything but the truth. The reality is that, given the low voter turnout for local government elections, it is too easy for somebody to group together a bunch of cronies, with the very low number of votes that are required, and then make his vote the number one vote in the election process. We have to ensure that the system is sophisticated enough to enable us to see the preferences of the electorate and to make sure that they are properly observed.

I rigorously oppose this bill and feel that it would be a terrible backward step for Western Australia to go back to first-past-the-post voting at a local government level. Local government, as we might all concede, is something of an Achilles heel in Australian democracy, mostly because of that poor voter turnout. There is no way that tinkering further with the voting system for local government elections will make any difference to the poor turnout. Other measures need to be taken to remedy that situation. We need to ensure that we have much better engagement of people in local government elections. In doing so, we will make sure that we have a better field of candidates and a greater engagement with the whole process of local government. The suggestion that first-past-the-post voting with the very low voter turnouts we have will do anything to improve local government is completely false. Sticking with a preferential proportional representation system will enable us to bring forward the subtleties that are out there among voters and make sure that their votes are properly considered, instead of having some sort of crass system that simply gives the greatest prize to the person who manages to amass the greatest number of votes when all the other votes are split all over the place. Proportional preferential representation is a democratic system; it is an Australian system; it is one that we should be very proud of and one that we should stick with.

MR J.M. FRANCIS (Jandakot) [8.00 pm]: I rise to support the Local Government Amendment (Elections) Bill that the government has introduced. I do so because I believe that the previous government made a mistake in abandoning first-past-the-post voting at council elections. At the time, it lacked the support of councils across the state. All it achieved was to introduce confusion back into the council electoral system. Philosophically, free and

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fair elections are the basic building blocks of any democracy. In his Gettysburg Address, Abraham Lincoln said that government of the people, by the people, for the people, was something that we should all aspire to.

With politics out of it, I believe that first-past-the-post voting is about putting people first.

Mr A.J. Waddell interjected.

Mr J.M. FRANCIS: I believe in that too. We could hold many debates about whether we should have optional or voluntary voting, but I do not think this is the time or the place for that. I want to constrain my remarks purely to the benefits of the first-past-the-post voting system. This voting system is simply the most straightforward and easy voting method. It is simple. I notice that the bill is only three pages long. It probably could not be any shorter. I suggest that its size is almost approaching a record in this house. If democracy is based on the premise that majority rules, surely the candidate who has the most votes reflects the overall desire of the public. Casting a vote for the desired candidate therefore should not be diluted and washed over by order of preference. Rather, it should reflect the will of the people. I am a firm believer in that principle. Too often, at both state and federal elections people are elected when the candidate with the largest primary vote fails to win.

Mr P. Papalia: Are you comfortable with tossing a coin if two people get the same number of votes?

Mr J.M. FRANCIS: I can recall only one occasion on which it has happened in Australian political history, and that was at Nunawadding in the 1985 Victorian state election. The member for Cannington might be able to give me another example of when it has happened.

The result of an election, whether at the electorate level or across the region or the nation, should reflect the way in which people have voted. The sense that the majority should prevail was the way Alexander Hamilton put it in *The Federalist Papers*. When the first-past-the-post system is used, more than half the voters and electorates support the winner. The link between the people and their elected representative is much clearer. With all due respect to the member for Alfred Cove, the person who wins the majority of the popular vote would most likely have a stronger tie with the electors. Some may argue that 50 per cent plus one may equate to the true definition of a majority, and there is some merit attached to that. However, I contend that, whether a candidate receives 38, 42 or 50 per cent of the primary vote, the candidate reflects the majority of the people when the voters know what and how their vote is cast. Therefore, the person with the simple majority would win. The winning candidate needs to secure only a higher total of votes therefore than any other candidate. I, personally, prefer that system. It is the system that many of the world's great democracies are using.

Mr P. Papalia: I prefer our system.

Mr J.M. FRANCIS: I will respond to a point that the member for Warnbro mentioned in his speech; namely—he can correct me if I am wrong—that changing the system would complicate the voting method for immigrants. I had a quick look at some of the countries that use the first-past-the-post system and the list is extremely long. It includes countries such as the Bahamas, Canada, Ethiopia, India—but with proportional representation in its upper house—Lebanon, Malaysia, Nigeria, Pakistan, New Guinea, Singapore —

Mr P. Papalia interjected.

Mr J.M. FRANCIS: The point is that he cannot argue that immigrants to this state cannot understand the first-past-the-post system. It is far simpler than the current system. It is used in places all over the world such as the Solomon Islands, Uganda, the United Kingdom, the United States—with the exception of Louisiana and Washington—Zimbabwe —

Mr P. Papalia: Every level looks the same to the voter and you will introduce a different method at one level.

Mr J.M. FRANCIS: Two systems are used in other countries around the world. I cannot accept the argument that immigrants who come here will not understand the first-past-the-post system when it is simpler and used in so many countries anyway.

Mr P. Papalia: It is not this system they will not understand; it is when they use the other system at state level. It will create a heightened state of confusion.

Mr J.M. FRANCIS: The member for Warnbro may not think so, but I am sure they are intelligent enough to work it out.

There are many advantages to reintroducing first-past-the-post voting in local government elections. Firstly, voting is simple and easy to understand. If we as the people's representatives ask the public to validate our position, the least they can do is do it in a public participatory system that involves something that is very simple

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to do. Putting a 1 or a tick next to the preferred candidate's name cannot be made easier than that used in the first-past-the-post system.

Mr P. Papalia: The minister said you are not going to use 1.

Mr J.M. FRANCIS: Ticks will be used, but there is no easier system than the first-past-the-post system.

Under this system, election results are quickly calculated. I think that the first local government election that the computer system for PPV was tested on was the recent by-election and casual vacancy for a seat at the City of Cockburn. It had many issues. The result was very late coming out and the Electoral Commission had to resort to hand-counting of ballots because the computer system failed. That is a different issue, but it is a bad argument to simply say that we have a computer system that will do this now, therefore we should use the proportional preferential system. It should not matter whether we have a computer; it should come down to the principle of what is the easiest and fairest system.

I hate to refer to anything written in Wikipedia but I find —

Mr P. Papalia: You are going to.

Mr J.M. FRANCIS: I am going to. I think this is the first time I have ever referred to Wikipedia. It has an interesting page on all the arguments for and against first-past-the-post voting. I read both sides of the debate before I came to an opinion. The argument for a plurality voting system, which is first past the post, relies on the preservation of the one person, one vote principle, as cited by the United States Supreme Court, wherein each voter is able to cast only one vote in a given election, and that vote can go to only one candidate. The first-past-the-post voting system elects the candidate who is preferred first by the largest number of voters. I would say that if Don Chipp were here today, he would probably agree that this is by far the most democratic voting system we could possibly use to elect a government. Other voting systems, such as optional preferential and transferable voting —

Mr M.P. Whitely: What makes you think Chipp would agree with that?

Mr J.M. FRANCIS: I have read a lot about Don Chipp and I believe —

Mr M.P. Whitely interjected.

Mr J.M. FRANCIS: Absolutely. A system that relies on one value from each elector for each candidate cannot be any more democratic or simpler.

Mr M.P. Whitely: Did he ever argue for it, though? He was an intelligent man who was familiar with the Australian voting system.

Mr J.M. FRANCIS: The member for Bassendean can speak next.

Mr M.P. Whitely: He was elected under that system many times.

The DEPUTY SPEAKER: Order, member for Bassendean.

Mr M.P. Whitely: Did he ever argue for it?

Mr J.M. FRANCIS: The member for Bassendean can speak next.

The DEPUTY SPEAKER: Carry on, member for Jandakot.

Mr J.M. FRANCIS: In closing, I suggest that, under this system, election results are calculated far more quickly. As I said, the time it takes to calculate a result should not be a consideration in determining what is the most democratic system we can use to elect our local councillors. It should come down to whether we believe in one vote, one value, and that every single person's vote should be entitled to be used to elect just one person rather than, because of the way the preferences flow, to elect people we did not really want.

Evidence would suggest that for a variety of reasons an upward trend is developing in the number of informal ballots. I took notice of the comments of the member for Warnbro about the informal votes in certain electorates. However, I suggest, as I did when he was speaking, that there are probably other reasons for that. He did not make a comparison with how those people voted when there was only the first-past-the-post system, but still the demographics would have to be the same. To have accepted his argument, I would have had to hear both sides of it.

Extract from Hansard
[ASSEMBLY - Tuesday, 5 May 2009]
p3296b-3342a

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

This bill is about sensible government and bringing pure democracy back to local councils. It is about good government for local councils and ensuring that the voice of ratepayers in Western Australia is heard in their local councils. I commend the bill to the house.

MR W.J. JOHNSTON (Cannington) [8.11 pm]: I rise to oppose the Local Government Amendment (Elections) Bill 2009. In doing so, I would make a couple of points. The first is the important point that this bill is not about elected councillors but electors. The contributions from the government side so far have had no focus on the question of electors. I raise that point particularly in response to the member for Swan Hills, who raised the fact that people were paid in federal and state elections but paid only a pittance in council elections. In fact, people get paid in none of them because it is against the law to pay electors. I think the member may have been referring to payment to federal and state members of Parliament in comparison with a stipend that is paid to a voluntary councillor. The intention of a payment to a councillor is not that it should be a salary but a stipend to reward a councillor for his or her efforts on behalf of the community, whereas the salary that federal and state members of Parliament receive is in recognition of the full-time nature of the position they hold. Although we are not employees, we are rewarded for the work we do. Of course, in Western Australia that is very important to the Labor Party, because it was one of its first principles that emerged from the 1899 conference in Coolgardie, which many people on this side of the house, although they were not there, would have read about. The Labor Party had a list of issues it wanted to address, one of which was a payment to state Assembly and Council members. It was okay for the conservatives back then to not pay members of Parliament, because they had a separate income, whereas the working-class people from the Labor Party side did not have a separate income. That is why we on this side of the house very strongly support paying members of Parliament; otherwise it would restrict the type of person who could come into this place. The wide variety of people with such splendid backgrounds on this side of the chamber is a reflection of that benefit that was delivered to us. That is why there is a payment to the state and federal members of Parliament, which is not reflected in the payment to councillors because councillors are volunteers. They are voluntarily assisting the community by dealing with issues that arise in local communities. They receive a very generous stipend from their ratepayers. They should not complain about that stipend, because it is paid to them as volunteers for the work they do. This bill is not about councillors but about electors.

I do not reflect on the Chair, but although the member for Mount Lawley is in the chair at the moment, I need to make some comments about the contribution from the member for Mount Lawley. First, he misquoted the Leader of the Opposition. The Leader of the Opposition referred to the fact that the system that is used to elect parliamentarians to this place is reflected in the rules that currently apply to the election of councillors. If there is a multiple position up for election in a council, the system of election is analogous to the system used for the election by proportional representation in the other place. Therefore, the Leader of the Opposition was right. I also comment on vote harvesting. It is not possible to vote harvest through preferential voting, as the member for Mount Lawley suggested, because each individual elector has to fill in a ballot paper. It is up to each individual to make a decision.

Mr J.M. Francis: How about how-to-vote cards?

Mr W.J. JOHNSTON: The member for Jandakot makes an interesting comment. He should look at the analysis of voting patterns at the 2008 state election. He will see that roughly 20 per cent—it might have been 18 or 19 per cent—of both Liberal and Labor supporters gave their preference vote to the other major party. Therefore, the idea that people vote on the basis of their how-to-vote card is not right. I have made the point many times on this topic that people must fill in their own ballot paper when they get into the sanctuary of the ballot box where they make their own decision. The whole point is that they make a decision for themselves on preferential voting, whereas with vote harvesting in first-past-the-post voting, a number of candidates are run. For example, if there were a first-past-the-post voting system in Jandakot—the Labor Party would not do this because it would be improper—someone might encourage lots of Christian candidates to run in the electorate. People who might otherwise have tended to vote for the Liberal candidate might vote for —

Mr P. Papalia: Dog-owning Christians.

Mr W.J. JOHNSTON: Indeed. In the seat of Cannington it might have the reverse effect because I received substantial support from Christians. Some Beelihar wetlands candidates might be run to reduce the Liberal share of the vote, because whichever way the member for Jandakot might publicly state he would vote on Roe Highway, stage 8, other candidates would be there to harvest votes. No matter which direction he went on that issue, candidates would be there to harvest votes for him. By doing that, the principal vote is drawn down for one

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candidate or another. As I understand it, this was how the Mayor of Joondalup was elected on four per cent of the franchise in Joondalup. That figure might not be exactly right but because I think only 30 per cent of people voted and there were so many candidates running for the mayoral position, when the number of votes he received is analysed in comparison with the total number of eligible voters, a tiny percentage of people endorsed him as mayor. The problem with that is that the mayor does not have any authority because nobody voted for him. That is one of the fundamental problems for local governments in Western Australia; they do not have authority.

The Liberal Party has form on the matter of local government. We must understand that local government is a subordinate level of government. It calls itself the third tier of government, but that is not what it is; it is a creature of this Parliament. Local governments have a similar nature to a statutory authority because they are subordinate to the Parliament. When the Liberal government changed the voting system in 1995, it also did other things at the same time, one of which was to transfer more of the authority from the elected representatives, who are the councillors, to the executive of a council. It therefore reduced the democratic control over the council. However, it did not increase scrutiny of councils by this Parliament. It is the only area of expenditure that is not subject to the Auditor General or estimates and does not come under the other scrutiny processes that this Parliament provides. Many councils do not even maintain the proper financial reporting and monitoring arrangements required by the act. It is also interesting to think about the Liberal Party's position on local government because of the 1988 referendum, which I am old enough to remember. There were four parts to the referendum. One part was to recognise local governments in the federal Constitution. This constitutional amendment was strenuously opposed by the Liberal Party, and that was the last time the Liberal Party explained where it stood on the question of its respect for local government. That referendum was defeated by popular vote in every state, and particularly here in Western Australia. That is the sum total of the Liberal Party's contribution to the recognition of local government. The Liberal Party said that it did not want to give recognition to local government in the constitution, and made its view of that tier of government very clear.

The member for Mount Lawley spoke in his contribution about proportional representation, which is a very important process of democracy; it allows the view of the minority to be heard. We all represent single member constituencies and are all elected by a preferential voting system that says we come here only if a majority of the people in our electorates support us, as the member for Alfred Cove explained in her contribution. Our colleagues in the other place are elected by proportional representation. The whole idea of that system in the upper house is to allow minority points of view to be represented in the decision-making body. Quite frankly, I cannot see a better place to have minority positions represented than on a local government council. That is very different from the question of union voting. The point was made in this debate about the Labor Party knowing all about union voting rorts. That is very interesting, because the system used by unions to elect their executives is the system the Liberal Party proposes in this bill. If there is any experience of union voting rorting—I am not aware of any of that, but if there were some—then you, Mr Deputy Speaker, are asking the Parliament to introduce the system of voting that is used by trade unions to elect their executives. If the Liberal Party is somehow saying that the system of voting is somehow the rorter's system, why does it very generously seek to introduce it to this tier of government?

The member for Ocean Reef seemed not to understand the question of multi-member electorates. Multi-member electorates are functionally different from the system of single member electorates that we have in Western Australia. I have to comment also on the member for Jandakot's contribution. I must say that although there was some scholarly element to his contribution, it was of course based on a false premise; namely, the idea that first-past-the-post voting will allow a majority to rule. At the last election, the member for Jandakot received 44.5 per cent of the vote. That is not a majority. It may be more than any other candidate received, but it is not a majority. Under a first-past-the-post system, the member could not say that he represents the majority of the people because he got less than half the votes. The whole point being made by the Labor Party is that a preferential voting system allows the views of the majority to be represented. In her contribution, the member for Alfred Cove made that particularly clear when she explained the election processes and how she had won her seat even though she had not received a majority vote on first preferences.

I have been looking at some websites about these matters. I would say that fewer than half the countries in the world use first-past-the-post voting. Many countries use list voting and various forms of preferential voting to ensure that not just the person with the most number ones on the ballot papers wins. The member for Alfred Cove pointed out the vagaries of the United Kingdom's system: the Labour Party dominates at local government level because of its ability to turn out voters for local government elections, thereby winning a very large

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majority of seats despite not receiving a majority of the votes. That also leads me to a problem that we have in Western Australia; namely, the very low voter turnout for local government elections. I use the City of Joondalup by way of example. In the 2003 election, 26.9 per cent of Joondalup city electors cast their ballot. There was no ballot in 2005 because the council was under suspension, but we find in 2007 that 27.2 per cent of electors cast a vote. We have a crisis when effectively only one-quarter of the eligible voting population participates in the democratic process because people are elected without the majority support of their community. If we introduce first-past-the-post voting, virtually no councillors will be elected with a majority of votes; they will all be elected on 25, 30 or 40 per cent of the vote. They will have no genuine authority. I think the former Liberal government reduced the powers of the elected council representatives in 1995 because it recognised that first-past-the-post voting and a low voter turnout inevitably means that councillors will at times lack authority because they are not supported by the majority of the people in the electorate. If it were proposed, I would welcome compulsory voting for council elections. It is interesting to note that local government associations would probably also support compulsory voting. This is a crisis. We have a problem when only one out of four electors participates in the democratic process. This bill will do nothing about that. It will make it worse. It will not make it better.

In his second reading speech, the minister said that he was going to replace the unpopular system of proportional representation and preferential voting. That is very interesting. I do not know about other members, but I have never had a constituent come to my office to say that we have to reform the local government voting system because it is not right. Nobody has ever done that. Sure, I get some local government councillors who raise issues with me about the system of elections, but, quite frankly, for every councillor who has raised a problem with me about the current system, somebody else has raised an objection about going to a first-past-the-post voting system.

Mr R.F. Johnson: I have had a great many constituents; I have had many constituents approach me.

Mr W.J. JOHNSTON: I am sure. We have noticed that! What suburbs do they live in? It is interesting that nobody comes into the office —

Mr R.F. Johnson: They can't work out why we have got such a wonky system—a system that you introduced, my friend.

Mr W.J. JOHNSTON: The system used to elect the member for Hillarys is a wonky system. It is interesting. I love that this is the system that elected the person making the interjections—insert name here—to the Parliament of Western Australia, but that it is a crook system. It elected every Liberal member of this house, but it is a crook system! I suppose a system that elects Liberals might be suggested to be crooked, but that is probably just part of the democratic process and I would allow that to happen.

The change the former Labor government introduced was effectively a return to the pre-1995 status quo. With this bill, we are not returning to the tried and true system used by local government, but rather reintroducing a system that was introduced only in the past decade and a half. This system has many anomalies. It does not allow proper representation of the community. It excludes minority voices and it eliminates an opportunity for harmonisation between the various systems of voting. I do not understand why the Liberal Party would want to introduce a second-rate system, a junior system, for electing councillors after the former Labor government returned the system to the status quo by which the same system used for elections of this chamber and the other place are used. To answer the member for Armadale's earlier question, the Senate's proportional representation system was introduced by the Labor Party in 1949; it is the system that we have been using for 60 years.

Mr R.F. Johnson: Why didn't Tony Blair abolish first-past-the-post voting? Why do you think he didn't abolish it in the UK?

Mr W.J. JOHNSTON: It is because the Labour Party dominates British politics.

Mr R.F. Johnson: Why did he not abolish it when he was in power? One of your top people did not abolish it. Why didn't Tony Blair abolish it? He had the numbers!

Mr W.J. JOHNSTON: What a load of nonsense! Of all the contributions made by the member for Hillarys, this is not his best.

Several members interjected.

Mr W.J. JOHNSTON: Well, that was last night.

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Multimember constituencies that use first-past-the-post will inevitably lead to undemocratic outcomes because in the process one tick will be as good as any other vote. Therefore, if people are on a number of how-to-vote cards, they will get elected even if the people on their ticket do not get up. The reintroduction of this second-rate system—which is not restoring the status quo, it is eliminating the status quo—is not in the interests of the electors in local government, and it is not in the interests of local government itself. It is not the system used in the other states. Many other overseas jurisdictions, member for Jandakot, use run-off elections, which is effectively a preferential vote on another day. Indeed, in my last couple of seconds, I simply make the point that in Western Australia in this house we actually have effectively optional preferential because —

Mr J.M. Francis interjected.

Mr W.J. JOHNSTON: Yes, that is right; we have exhausting votes. Yes, that is true, member for Jandakot, not many people clearly know that, but that is the system we use.

MR M.J. COWPER (Murray-Wellington — Parliamentary Secretary) [8.31 pm]: I have been listening to some of the debate in the chamber this afternoon and this evening and it feels a bit like Groundhog Day, because we had this debate some years ago when we were sitting on the other side of the chamber. However, before I comment on that, let me say that I believe there should be some distance between local government and state Parliament. That is not to say that as local members we do not work closely with local government, but I believe it should be a little at arms-length so there is no imposition on the capacity of local government to do its job. Personally, I always make a point of reading the minutes of the meetings held in the three shires in my electorate that are posted on the internet. On occasions when a particular issue of interest comes before local councils, I will read the minutes of some of the committees that they hold.

However, returning to when we were in opposition when this bill first came before this place to introduce the current system, there was debate at the time—I am a bit disappointed that the member for Alfred Cove is not in this place—that some ticketing arrangements may occur that would lean towards the politicisation of local government; that is, Liberal-Labor orientation. All of us are aware that within any local government throughout Western Australia there are people who are overtly Labor supporters and others may well be overtly Liberal supporters, and others who probably sit on the fence and are what we would regard as Independent or not particularly interested in taking a side, but are more interested in taking an altruistic view about what is in the best interests of ratepayers. I am of the opinion that most people who seek to go into local government do so for that altruistic reason; they have a genuine concern that may well be triggered by a particular issue, say, in a local playground, or concerning the betterment of the community that they live in and enjoy, and they seek to put themselves out there. With the support of the local ratepayers they are elected and do good work with the local government. Let me say that in my short time in this place, I have had very good working relationships with councils and mayors. I have often referred to Mayor Paddi Creevey as one of the best mayors in the Peel region and I have an immense amount of respect for her; she does great work. That is not to say that we necessarily always agree on particular issues, but I believe that people who run for election should do so for the benefit of their community. I am sure that is probably what caused most of us to come to this place.

During that debate some years ago it was argued that tickets could evolve under this system. Members opposite who sat on this side of the chamber at that time argued that that would not be the case. It really concerned me in 2007 when in my own electorate a ticket was run by a group of unions. The member for Cannington said that he was not aware of any such tickets being run. Obviously the member failed to read the front page of *The West Australian* on 4 October 2007, only a matter of weeks before the 2007 election. I remind members of what occurred. The article states —

Four of WA's biggest unions have launched an unprecedented campaign to have unionists and their sympathisers elected to councils in which Alcoa has industrial sites, sparking warnings from the Opposition that they will use their muscle to bully the mining giant into meeting their demands.

The unions have issued how-to-vote cards in seven council areas where Alcoa has refineries or workers, claiming they want to use their influence to pressure the miner into behaving like a good corporate citizen.

The article also stated —

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

The how-to-vote cards were authorised by Will Tracey, from the Australian Manufacturing Workers Union, who said yesterday they were designed to support candidates who shared the same community values as a group of unionists who work at Alcoa.

Mr Tracey admitted to many heated disputes with Alcoa, which had led a subcontractor to claim in court in late 2005 that he and the AMWU had instigated 22 wildcat strikes in nine months at three Alcoa refineries. The matter was settled out of court.

He went on to say that this was not a vendetta. It is pretty hard to believe that. The article also stated —

... This is about supporting the people who support the values we support,” Mr Tracey said.

He said he had approached only two shop stewards from his union to run for local government and was supporting a third who made the decision to run independently. He was uncertain how many candidates had been put up by the other unions involved in the joint campaign.

If that is not full-on overt stacking of local councils, I do not know what is. For the record, they included the City of Rockingham, where Joy Stewart, I believe, was elected. At the time Joy was the secretary of the Rockingham-Safety Bay branch of the Australian Labor Party and was a volunteer for Gary Gray, the federal candidate for Brand.

The article stated —

Mr Tracey accused Alcoa of heavy-handed tactics by removing campaign flyers from Alcoa sites and warning staff they could get sacked if they involved themselves in political campaigns ...

Let me tell members that Alcoa is apolitical. It does not contribute to anyone’s campaign and people are not allowed to go on to its sites and leave flyers; in that respect it is consistent. What concerned me was that a person who read this article in the paper had cause to ring my electorate office. He would not identify himself and made certain unsavoury remarks to my receptionist who, at the end of the day, is an employee of mine. I was most disturbed that he did not have the fortitude to ring me directly. About a day and a half later, it obviously got too much for this individual. However, before we got to that, before he had the gumption to ring me personally to give his views, he would not give his name, but he failed to realise that when he rang, my receptionist saw the phone number displayed and she had the wherewithal to write it down on a piece of paper. Therefore, this particular individual decided to ring me. He would not give his name, and gave me his point of view about my comments in the paper. I said, “Listen, if you’re not prepared to tell me your name, sir, this conversation is about to end because it is meaningless. At least have the fortitude to put your money where your mouth is.” Shortly after giving me some advice about my parentage, he put the phone down. When I got back to the office, my lady was rather upset. It just so happens that her husband is a unionist who works at Alcoa and he is probably bigger than me. If he ever gets hold of the person who rang on that day, he would be in some sort of trouble, I would suggest. At any rate, when I got back to my office —

Several members interjected.

Mr M.J. COWPER: Hang on. When I got back to the office I decided to ring this person. It turned out it was Will Tracey from the AMWU. I said, “Well, aren’t you a brave lot.” He was not even smart enough to ever realise that he had left the phone number.

At any rate, it goes on.

A few days after the election, we found that four of the unions were successful in getting candidates into their particular seats. They included councils in Harvey, Mandurah, Waroona, Newman and Port Hedland, and several of the other preferred candidates in the eight council areas where the union issued how-to-vote cards, most with strong ties to the unions or the Australian Labor Party, were also successful. To come into this chamber and suggest that there is no ticket or that there is nothing that enables someone to structure a format that favours a particular group, whether it be a union or the Liberal Party or the Labor Party, is plainly false. I would like to see in local government people who put themselves forward for the right reasons—for altruistic reasons—and not the politicisation that exists under the current system. I was half prepared to listen to the debate four years ago, but not after this debacle in my electorate, which resulted in the exclusion of some very worthy candidates because of a ticket that was run. Those people were therefore not successful in those elections at local government level.

Mr P. Papalia: Are you suggesting that the system that you are proposing will preclude that?

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Mr M.J. COWPER: I am not saying that it will preclude it. I do not believe that there is a system out there that cannot in some way be rorted. Is the member suggesting that there is one that is not able to be rorted?

Mr P. Papalia: No. What I am saying is that we were just objecting to the suggestion that somehow this system that you are going back to will preclude that.

Mr M.J. COWPER: Put it this way —

Ms J.M. Freeman: Can't they do exactly the same thing with first-past-the-post? They can do exactly the same thing.

Mr M.J. COWPER: I take the point. The member for Alfred Cove said that because of the example she gave, she is happy to stay with the current system because she thinks it is foolproof. It is not. There are clear examples that it is being politicised. I would like local government to remain apolitical and not be influenced by powerful groups, whether it be an interest group or, as mentioned before, a church group. The people who go into local government should want to go into it for the right reasons. The article goes on to state that the Australian Manufacturing Workers' Union was successful in getting elected its preferred candidates in a number of seats. At the time the Rockingham mayor, Barry Sammels, commented that the unions' attempt to influence the make-up of the council had caused rumour and speculation about the allegiances of candidates, distracting the electorate from local issues. Earlier, I heard a member on the other side say that this is about the electors, not those being elected. The mayor of Rockingham commented that this is distracting the electorate from the issues at hand. I think he is right. He went on to say that he was confident that the councillors elected would represent the interests of their communities and not outside political groups. Let us see what happens in the tough times in the current economic climate. Let us see whether everyone will be able to shoulder the downturn in the economy to ensure that Alcoa and other associated industries that are important to my electorate are not unduly influenced, whether directly or indirectly, by this rorting of the local —

Ms J.M. Freeman: It's not rorting. They have a right to run for council.

Mr M.J. COWPER: On a ticket that is set up and structured in a fashion that is —

Ms J.M. Freeman: First-past-the-post would not change that either. They would still be able to run under your legislation.

Mr M.J. COWPER: Is the member saying that this is okay? Is she happy with this arrangement? Is she endorsing what Will Tracey has done? Is the member happy with that?

Ms J.M. Freeman: Yes, member for Murray-Wellington, I am happy with that.

Mr M.J. COWPER: Is the member happy with Will Tracey overtly coming out and saying —

Ms J.M. Freeman: Not covertly; that is very overt.

Mr M.J. COWPER: I said "overtly". So the member is happy for unions in Western Australia to run tickets.

Ms J.M. Freeman: I'm happy for unions in Western Australia to —

Mr M.J. COWPER: I will say no more.

MR P.T. MILES (Wanneroo) [8.44 pm]: In the next five minutes or so I want to talk about what happened in the Wanneroo election in 2007. There were two parts to the election. One was the mayoral election and the other was the north ward election, and I stood on both those tickets. Ten candidates ran in the mayoral election. Because the mayoral election had 10 candidates, the election process in Wanneroo ran until 2.30 in the morning.

Ms J.M. Freeman interjected.

Mr P.T. MILES: Under the system that we have now, the votes could not be counted properly. It took until 2.30 in the morning, and that is under the present system. The reason is that the returning officer got it totally wrong on the night. She had to keep ringing the Western Australian Electoral Commission, which was running the election on behalf of the city. The city did not want to get involved in running the election because it was such a complex procedure. The software on a couple of the computers did not operate correctly, so the votes had to be recounted, and it had to be done properly. The election process was quite atrocious from the beginning to the end. As I said, it was 2.30 in the morning before we found out who had won the election for mayor. The other parts of the election were then able to be proceeded with, because several candidates in several of the wards had to be ruled over.

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Ms J.M. Freeman: Did the person who was elected get greater than 50 per cent of the vote once he was elected?

Mr P.T. MILES: No.

Ms J.M. Freeman: He must have done, because once the preferences were distributed —

Mr P.T. MILES: On the primary vote, no.

Ms J.M. Freeman interjected.

Mr P.T. MILES: No. The current system is, as it was described before, a bit of a dog's dinner. I believe that this is important legislation that needs to be dealt with today or tomorrow. I do not consider it any less important than any other bills that we deal with in this house. I do not really understand what some members opposite were referring to in that respect. Every piece of legislation that we deal with in this house is important and should be dealt with in due course.

In the north ward election in which I ran, the people who were doing the counting did not even bother to distribute the votes. It was virtually first-past-the-post. I got so many primary votes that they did not bother to go to preferences; I got 1 105 votes.

Ms J.M. Freeman: So you got a majority.

Mr P.T. MILES: I got a majority. Majority rules. I believe in first-past-the-post in local government elections. I think it is a must. Local government elections cannot be compared in any way with the state or federal election processes.

MS J.M. FREEMAN (Nollamara) [8.47 pm]: I rise to oppose the Local Government Amendment (Elections) Bill 2009. Firstly, I concur with my colleagues who have talked about consistency. I know that for many of the constituents of Nollamara, the voting system is different from what they have experienced in other parts of the world that they, as newly arrived Australians, have come from. However, what they need is consistency, so that when they go to the ballot box for anything, they know and they understand how they are going to vote. I have had occasion to meet with many of the different organisations in the electorate to talk about the upcoming referendum. To assist them with something that is different, I have to take with me a big ballot paper to explain to them that this is what they will have. I tell them that it will be a yes or a no—I do not have a yes or no position on it.

Mr A.J. Waddell: Do you want a badge?

Ms J.M. FREEMAN: No, I do not need a badge. I thank the member very much. From that, I understand that there is confusion. However, this legislation will add confusion. It will not take away confusion; it will add confusion. It will add something else that they have to understand about the election. Therefore, consistency is very important for the people I represent in Nollamara. However, what is most important for the people I represent in Nollamara is representation, and representation that is democratic.

Mr P.T. Miles interjected.

Ms J.M. FREEMAN: That is what we have in this place. We have a democracy with proportional representation, and we ensure that members are voted into this place on a majority. I must say, member for Wanneroo, that I did not have to go to preferences either in Nollamara. This bill will result in under-representation of differing opinions and, as the member for Cannington pointed out, of minorities.

I would like to state very clearly that I think local government does very good and important work, and provides vital services to the community. Local government representatives are good representatives of the people; even those who may be from a union background might be good representatives! I come from a union background, and I think I do good job of representing the people of Nollamara. I hope that they will think so, too.

One of the things about local government in Australia is that people feel close —

Mr M.J. Cowper interjected.

Ms J.M. FREEMAN: What they wanted to do was to represent the people in their area, and part of the job of representing the people in their area was dealing with one of the major companies in the area, which is Alcoa. They were trying to get representation at local government level and make sure that their voices were heard, so that they could make sure that the businesses in their area operate in an ethical way and within proper frameworks. That is what they were trying to do. Let us move on.

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Studies of local government in Australia have shown that local governments are close to people; people feel really connected to local government, whereas they feel more removed from state governments and even more removed from the federal government. However, they feel they can talk to their local councillors, and that is apparent when one meets local councillors. The fact is that we need to give local governments respect by ensuring that local government is a representative democracy. Local governments are not representative democracies under the first-past-the-post system, because not all the opinions of the people within those areas are represented.

The two councils in my constituency of Nollamara are the City of Wanneroo—which, I understand, is the second largest council in Australia—and the City of Stirling. Both those councils do very good work, and they want to ensure that their areas are well represented. However, I want to make sure that all the areas are represented, that all the differing opinions are represented, and that elected councillors are not just people who can harvest the most votes by getting a couple of streets out to vote for them on a first-past-the-post basis, but are people who can actually attract a majority of the vote.

I am concerned about low voter turnouts in those councils; I understand the turnout is around 30 per cent. I put on record that I support compulsory voting for local government elections. I believe that people feel close to local government, and they should be able to feel that the people who are representing them have been voted in by majority. I agree with the point made by the member for Cannington that first-past-the-post voting undermines the capacity of councillors to represent people.

In a first-past-the-post election, the winner is the person who gets the largest number of votes. Unlike the preferential system, there is no predetermined percentage of the overall vote required to be successful. That is one of the problems. A candidate may be elected with a much smaller percentage of the vote, as we know. A candidate can be elected with fewer than 50 per cent of the votes, with well over 50 per cent of the votes having no effect on the outcome whatsoever. This can result in the loss of an election for the person with the highest number of votes under the preferential system—that is, more than 50 per cent. That is not democratic.

To digress, I had a look at some of the Australia 2020 Summit submissions from the Australian Local Government Association, hoping that it would give me some guidance. All I can say is that the ALGA sees local government as a sphere of government, rather than as a tier of government, and that it appears to be the least understood. The ALGA, in its submission, stated —

... local government represents almost all Australians and delivers an increasingly broad range of services that make a real difference to the everyday lives of Australians across our nation.

If local governments are delivering these things, they should be properly and democratically representative. I also had a look at the Queensland debate on local government. An example was given about a particular local government council in which not all areas were equally represented, leaving some areas with only basic facilities, while other areas that profited from first-past-the-post voting enjoyed premium services. I also took the opportunity to have a look at the British local government system. The Electoral Reform Society has produced a report on a local government vote swindle under the first-past-the-post system. The report states, in part —

In six out of 32 London boroughs, the party that won the most seats had not won the highest share of the vote.

It is quite a lengthy document and there are many points. It also stated that the current first-past-the-post system leads to artificial polarisation of local politics. That is just a report; what I found compelling in the report was the story of Derek and Eileen Rostock of Dagenham, who stated —

We voted Conservative and only have one councillor to show for it in the entire borough. Fewer people voted for the BNP but they won 12 seats. The BNP have done well out of this system, even though the number of votes they got didn't really justify it.

That is the system that the government is endorsing; it is endorsing a system that does not represent people. The bill does not even tell us how people will vote. Will they vote as they do in Queensland—numbering one to four? Will that confuse people? Is it two ticks or crosses? The member for Armadale pointed out that we do not know whether it is ticks, crosses or holes. We do not know what this bill will deliver to the people; all we know is that it will not deliver democratic representation.

MR A.J. WADDELL (Forrestfield) [8.56 pm]: I also rise to oppose this bill, and to take a slightly different angle than that of some of my colleagues. In fact, I probably want to contradict some of them. First, I want to go

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on the record as saying that this is not an anti-democratic bill. Democracy is the process of electing representatives, and the system that is chosen to do so does not affect the outcome. It may affect who might ultimately end up being a representative, but that does not mean that it is not a democratic process. I do not think that any of us would like to suggest that our local government tier is an undemocratic tier. We may disagree as to how representative that tier may be, but I do not think any of us want to say that it is undemocratic. In fact, we have to ask ourselves whether it is a fair system. What is a fair system? Is proportional representation fair? Is first-past-the-post fair? Are run-off elections fair? Studies have shown that if four different systems were run for four different candidates on a given vote, the result could be four different winners. Each of them, on the surface, would appear to be fair. I suppose that the fairness of a system depends upon whether the rules are understood up-front. We all play by the same rules; there are certainly times in our own system when it could be said that it is probably not optimal, but we all play by the same rules and therefore it is fair.

What does one have to do to be a representative? First, one has to be elected by a fair and democratic system. I have already established that both systems are democratic, and I have probably established that as long as we understand the rules up-front, they are fair. Again, one has to say that both systems—first-past-the-post and proportional representation—are probably representative systems. What are we splitting hairs over?

Mr M.J. Cowper: Are they both foolproof?

Mr A.J. WADDELL: No, neither of them are foolproof. In fact, both of them have flaws.

Why are we so passionate about either proportional representation or first-past-the-post voting? I am sure that others can speculate on our various motives, but to go back over some of the comments made earlier, local government people go into local government for altruistic reasons. I would like to think that I went into politics for altruistic reasons, and I am pretty certain that everybody else here did also. I do not think that any of us would put up with what we put up with from each other if we did not feel that at the end of the day we were making a difference and that we were making the place better. Sometimes, I suspect, we are doing it to stop each other from doing damage! However, at the end of the day, we are doing it because we think it is right.

Mr C.C. Porter: We are the world, we are the children!

Mr A.J. WADDELL: Thank you, Michael!

To suggest that altruism is in some way linked to being apolitical is a bit bizarre, because there is clearly nobody here who is apolitical. Something that frustrated me greatly in the last state election was the so-called apolitical stance of certain places. The local shopping centre said that it was apolitical and that therefore nobody could campaign there. How is that being apolitical? That is taking a stance, and saying, “We don’t like democracy. We do not want people to discuss and to debate. We don’t want you to have that discussion.” That comes to the crux of my problem with the first-past-the-post system.

There have been many times when I have gone to a local government first-past-the-post election and looked at the ballot paper and had no idea who the candidates were, had no idea what they stood for or who they represented. Those groups that bind together and put out a platform and work off preferences and so forth are making a statement of intent, as we all did when we stood on our various platforms at the last election. We made a statement of our intent to the people of Western Australia at the next election, and said that we would follow through with what we said we would do, or we would have a damn good reason why we did not—I am expecting to hear some of those good reasons next week in the budget! There is a pretence at the local government level that it is apolitical, and that they do not give us that statement of intent. In fact there are areas that are most definitely Labor areas that have Liberal local governments. That is bizarre! How is that representative? It is not representative.

Another argument has been mounted today that proportional representation is a complex system. That is a fairly astounding argument. I have heard that it will keep us up too late and therefore we probably should not do it because we all want to get to bed early. Newton advanced his laws of physics several hundred years ago, and they were pretty good. In fact for most day-to-day things, they still work. Then 100 years or so ago Albert Einstein came along and found that they did not quite fit. They did not quite work at the macro level; they did not work when dealing with planetary bodies and things like that. He established a far more complex framework for his physical laws of the universe. It did not mean that Newton was necessarily wrong, just inaccurate. The fact that Einstein’s position was complex in no way made it bad; in fact modern telecommunications could not really exist without the laws that Einstein advanced. He moved us forward. We should not be afraid of something complex; we should embrace it if it takes us forward.

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Hopefully I will be the last speaker, and I will conclude now.

Mr P. Papalia: No, you are not the last speaker!

Mr A.J. WADDELL: I might be after I say this.

Mr D.A. Templeman: There is more!

Mr A.J. WADDELL: There is more?

Mr P. Papalia: If you're going to say something like that, sit down now!

Mr A.J. WADDELL: I do not think I have ever spoken in a debate in this place without mentioning the internet, so I cannot not do it now or I would disappoint certain people who are very concerned about my World of Warcraft rank at the moment. I would like to invoke Godwin's law. For those members who do not know Godwin's law, it comes from something that Leo Strauss put out in the 1950s called *reductio ad Hitlerum*. Essentially, it states that the longer an online discussion goes, the greater the probability that somebody will call in the Nazi card. I will bring in the Nazi card. If 40 per cent of the people vote for Adolf Hitler, 30 per cent of the people vote for Ghandi and 30 per cent of the people vote for Mandela in a first-past-the-post system, who is winning? It is Hitler! In a proportional representation system, who would win? It would be Ghandi or Mandela! On that point, I will finish.

MR J.N. HYDE (Perth) [9.03 pm]: I am delighted to be here before such an august audience, as so many people opposite have had illustrious careers in local government, or may do in the future! What we are debating today is very much about the voting system. It is a system full of flaws. I was first elected to local government in the last century in a first-past-the-post election. The Tories were on the City of Perth side and the free liberation movement was on the side of the Town of Vincent. We all ran tickets. First-past-the-post is a much easier system to run tickets on. That is because the reality in Western Australia is that we have multi-candidate electorates. In the Town of Vincent, four candidates are run for two wards, and in the City of Perth there are eight candidates. It is totally illogical to have a first-past-the-post system whereby eight positions are up for grabs. It is not first-past-the-post, it is the first eight posts, or logs, or stumps, past the post. Very few of the constituencies in Western Australia are what would be deemed to be real first-past-the-post constituencies.

My cousin, Timothy Boswell, is the conservative member for Daventry in the British Parliament, and has been since 1987. He has seen out Margaret Thatcher and a number of other real neoconservatives. Cousin Timmy is still in there. He has not progressed—it seems to be a family trait perhaps—but he still holds true to his local constituents.

Several members interjected.

Mr J.N. HYDE: That is right; I thank the member. Cousin Tim has been elected under the first-past-the-post system, and for the first time, finally, at the last election in 2005, he achieved 51.3 per cent of the vote. For the first time under first-past-the-post he had a real victory—that is, he got more than 50 per cent of the vote. The other times, and during the dark days of the Tories in Britain, when the combined Labour, Liberal, Social Democratic Party and the Monster Raving Loony Party—the member for Mandurah will know Lord Sutch —

Mr D.A. Templeman: The name of a member?

Mr J.N. HYDE: No, the member for Mandurah's mentor, Lord Sutch.

Mr D.A. Templeman: Raving Lord Sutch, yes. The Monster Raving Loony Party —

Mr J.E. McGrath: Screaming Lord Sutch!

Mr J.N. HYDE: Screaming Lord Sutch—I thank the member for South Perth. That will be the name of the next ferry.

Under those systems in the dark days, the will of the electorate would actually have seen cousin Timmy out of a job under the first-past-the-post system. Putting that in the Western Australian context, in my very first election, when I ran as a candidate in the Town of Vincent elections, we deliberately looked at the profile of the candidates running and we had to get four people up. It was deemed that if I stood at number three on the ticket, we would have a better chance of getting our number two candidate up. At the top of the ticket we had a strong candidate, and then we put a weaker person in at number two and number four. By understanding the system, we ended up with strong number one and number three candidates, and we were able to get four people up. The conservatives did very well in the City of Perth under the first-past-the-post system. It was not getting one person past the post; it was getting four people past the post. That is exactly what this system will do. It will grossly

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favour the conservative side of politics because the system is able to be more easily manipulated through first-past-the-post in these multi-candidate elections. Rushing through this bill begs the question: why is the government not going the full way? Why is it not changing the state system to first-past-the-post? Why is it not, in the interests of consistency, if the real reason is democracy, getting consistency in the state? If it is good enough to be inflicting this on local people and local constituencies, why is it not being inflicted on everybody in state electorates, or is that part of a second-term agenda?

I will refer to the election when a Liberal government was last in power. It is amazing how the wheel turns. I, along with others, got involved in local government in the youngest and perhaps most progressive council in the state. The original City of Perth had been split into four. The philosophy of the Liberal government the last time it was in power was that councils should be split up because some of the councils were too big. The gigantic City of Perth had a population of 82 000 people, which was way too big, and it was split into four councils. The Liberal Party philosophy was that big is bad and small is better. Now the wheel has turned to this range of reforms and we are suddenly seeing that small is no longer good and that the government wants to amalgamate. Members can understand the cynicism in the community when it is not even a different shade of government or political party that is inflicting a new system; it is the same party. It is almost like “Mother Courage” as she sits while a wave of dictators come through generation after generation. The same tyranny is inflicted except in a different way. We have gone from the tyranny of local government being too big and too out of touch, and therefore it had to be split up, to a system that is too inefficient so councils must be re-amalgamated. I am sure that some people in the arts community will set their creative minds to giving an analysis of that. I guess one of the rare advantages of having a conservative government in power is that satire will again become the fount of the arts. I remember in the old days we had real theatre companies and we had wonderful performances such as *Court Napping*, which was a satire on the reign of the Court government and what was happening then. Unfortunately, in many ways the arts has lost some of its satirical and hard edge since the member for Mandurah and others in this chamber left full-time performing.

If this sort of philosophical propaganda system is inflicted on local communities, they will see it for what it really is. As has been mentioned, a number of councils, practitioners and people who are used to being elected under various systems are in favour of going to the first-past-the-post system, but constituents have not been consulted. Certainly, the feedback that I am getting from people in the electorates is that they like the existing system. They like the inherent fairness of a proportional preferential system whereby they are not laboured with an all-or-nothing candidate; if they truly have some hesitations, they can go with a candidate who they know will not win in the end, but they can send a message to the sitting member by giving their first preference to someone else to ensure that their real will is addressed. That is why the different proportional preferential systems that have evolved in Australia have proved to be most successful and are the ones that constituents want, because that gives them more of a say. It enables their true positions, their true views and their true preferences to shine through. We have a very educated constituency these days. They know when they are being sold a pup in the name of consultation. They know when they are being sent a carefully worded question. Some people might argue that the wording of the question in the daylight saving referendum, as it was in the original legislation, has been designed to get an outcome. People know when they are being tormented by marketeers or push-polled by phone or in other ways. They know that the way a question is asked and the way that their choice is presented to them is designed to get a particular answer. That is certainly what happens with first past the post. It is designed to get an outcome. It is not designed to get the preference of a voter—the true deep-held thoughts of the elector; it is designed to get a particular result.

During my local government career, I spent time as senior vice-president of the Australian Local Government Association, so I was able to examine the various systems that were used in local government around Australia. I even got an intimate knowledge of the Hare-Clark system in Tasmania and how that somehow presents the will of the people. It always seemed to me that electors and real voters did not like first-past-the-post voting because it removed the real element of choice. As much as people have hesitations about a candidate, in the real world it is not a question of issues being black and white; it is also not a question of candidates being black and white. There are shades. Just because somebody votes for a candidate or supports a candidate in his or her constituency does not mean that that person supports the candidate 100 per cent. That is one of the great things about Australian voters and the Australian electoral system. That is why a proportional preferential system engenders choice and, in fact, says to the voter, “We appreciate that you are an intelligent person who wants to make an intelligent decision, and that is why we want to give you a system that enables you to make a choice.”

The lack of detail in this bill is unfortunately becoming a hallmark of this government. Clearly, people want to know how they will vote under this system. We do not know whether the government is going to introduce the

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Robert Mugabe fingerprint or whether it will settle for a tick or a cross. Today's intelligent voters, as well as the elected representatives who attended the seminar on Monday to try to get some information about amalgamations, want details. People are not empty vessels. My Latin escapes me at the moment, member for Armadale. The Latin term for empty vessel is —

Mr M.P. Whitely: Troyis buswellis!

Mr J.N. HYDE: No, that is for upholstery! The member for Mandurah did Latin for six years. What is the Latin term for empty vessel?

Mr D.A. Templeman: Latin was not my strength.

Mr M.P. Whitely: Compostas tumbler?

Mr J.N. HYDE: Compostas tumbler. I have always said that we have too many lawyers in Parliament.

Ms A.J.G. MacTiernan interjected.

The ACTING SPEAKER: Order, member for Armadale!

Mr J.N. HYDE: All the lawyers are scurrying away. I will probably wake up at 4.00 am and phone the member for Mandurah and the member for Armadale when I remember my Latin.

The ACTING SPEAKER (Mr P.B. Watson): I am sure that the member for Perth also will not ask questions of members who are not in the chamber.

Mr J.N. HYDE: No, I will not, Mr Acting Speaker. I hope I am giving you the respect that you deserve.

We have a lightness of detail in this legislation. I think it is a valid point to raise. Those of us who have been around for a few elections know the number of people, particularly in the multicultural community, who are confused about writing 1, 2, 3 or 4 or putting in a tick. Those of us who were at Fremantle passenger terminal during those dim dark hours that dragged on, when we still thought we had a whiff of government, know that every vote counts. People challenged a tick that was clearly a 1, or a 7 that was clearly not a tick. People need that level of detail. I am surprised. I have not heard anybody deny that the Mugabe fingerprint is on the table. Clearly, that could be a third option. It could be a tick or cross or a Mugabe fingerprint in voting in the new, you-beaut first-past-the-post system. When we get to the consideration in detail stage, rather than calling this the first-past-the-post system, perhaps it should be called the first-past-the-log system, because we are treating people as though they are logs without any input to this system.

If we consider some of the election results under the fairer system that has been introduced, either at a state level or a local government level, I would argue that the electorate rarely gets a result wrong. When we look at the wonderful proportional preferential system, we see that the member for Kwinana was easily elected in the end. People were able to make a choice. They were able to say, "Look, I want to send a bit of a message to the Labor government, but I don't actually want to lose Labor representation."

Mr R.H. Cook: I would have won with the first-past-the-post system.

Mr J.N. HYDE: Exactly. I would argue that for the member for Kwinana to have won under the first-past-the-post system would have been a travesty. To be able to have slunk over the line in that situation would not have reflected the will of the people. Even though, personally, for the member for Kwinana and those of us who were scrutineering for him it was nerve-racking in the Fremantle passenger terminal—not waiting for the *Queen Mary* but waiting for sufficient votes to get the member over the line—it reflected the will of the people a lot more accurately.

I harken back to my cousin Tim Boswell, who represents the constituency of Daventry in England. Cousin Timmy has announced that he will not stand for the Tories at the next election. He will be over 70. He is still farming, so he will go back to full-time farming, as is the wont of my family when one's career in politics ends.

Mr D.A. Templeman: He'll go back to the land.

Mr J.N. HYDE: One will go back to the land.

Mrs L.M. Harvey: Out to pasture.

Mr J.N. HYDE: No, we do not have horses; we farm productively and sustainably. We believe in growing trees and nurturing and creating things, without genetic modification, that are natural and will result in a sustainable society.

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Mr D.A. Templeman: You are from very noble stock, aren't you? I can't think of a more noble stock than yours.

Mr J.N. HYDE: If my Latin were kicking in, it would be noble rot in terms of a late harvest riesling from the great southern.

Mr D.T. Redman: Why would you pick a late harvest?

Mr J.N. HYDE: Because I think the semillons that are coming out of Mt Barker in the member's electorate are world beating.

Several members interjected.

Mr R.F. Johnson: He has Labor tastes.

The ACTING SPEAKER (Mr P.B. Watson): Order!

Mr J.N. HYDE: I can assure the member that there is no chardonnay socialist about me.

Mr D.T. Redman: Your palate needs to develop.

Mr J.N. HYDE: My palate has developed, and I have tried on many occasions from the member for Stirling's wonderful liquor store a number of the local wines that he stocks. I thank him for supporting local wineries. However, the palate of the Australian electorate is for a sweeter, late-picked grape. The palate of the Western Australian electorate is not for first past the post. It is for a proportional preferential system. I urge all members to oppose this legislation fulsomely and in its entirety.

MR B.S. WYATT (Victoria Park) [9.27 pm]: I too rise to speak to the Local Government Amendment (Elections) Bill 2009. Unlike the member for Perth, I do not have a sweet tooth when it comes to wine. I did once. My wine of choice at university was the Houghton's Late-picked Verdelho. I went through a few of those with my girlfriend at the time. She liked it, but not me, and I do not like this bill.

The ACTING SPEAKER: I would like the member to return to debate on the bill.

Mr B.S. WYATT: Before I talk to the bill I will refer to the act. This bill obviously amends the Local Government Act 1995. I am about to say something very significant and I want everyone to listen to what I intend to say tonight, as I go through the Local Government Act 1995—all 396 pages of it.

Mr P.T. Miles: I hope it is the amended version.

Mr B.S. WYATT: It is not the amended version. We will get to that. There is no doubt that here in Western Australia, and generally in Australia, we often have this debate about our levels of governance—whether we are over-governed and whether we have too many councillors, state parliamentarians or even federal parliamentarians. I think, by and large, most Australians accept that we are over-governed and we do have too many elected representatives across the three levels of government. I think the three levels of government we have are appropriate—that is, local, state and federal. Indeed, the local governments here in Western Australia and, indeed, across Australia are creatures of statute; they were created in Parliament. They are not a formal part of our Constitution. They are there to be amended in all areas as this Parliament sees fit.

As we know, the 1995 act is in great detail, ranging from qualifications of people who can stand for local government, the functions, the role, the rates, the electoral process that we are discussing tonight, referendums, offences, meetings, disclosure requirements et cetera. We have effectively set up in this act what we have adopted from the United Kingdom and how we operate here as a state Parliament. One of the things that is controversial time and again is the method by which we elect our local councillors. I obviously do not support first-past-the-post voting; I am standing and opposing the legislation.

When I first went to London to study, one of the very first subjects we looked at was the electoral processes around the world. Obviously voting in the House of Commons is done by first-past-the-post. A member of the House of Commons from Scotland had been elected in the 1997 election, which first elected Tony Blair as Prime Minister. He had been elected with just on 20 per cent of the vote. He was elected to a five-year term in the House of Commons with a very small percentage of the vote, obviously as a result of a large number of candidates and the fact that there is not compulsory voting in the United Kingdom. Without compulsory voting, there was a turnout of about 40 per cent in the 1997 election, bearing in mind that that was the election that threw out a long-term Tory government and replaced it with a Labour government. Therefore, turnout was quite high compared with previous elections. When there is not compulsory voting, and the system is first-past-the-post, it exacerbates the distortion for how someone can be elected with such a small percentage of the vote. A number of

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people here tonight mentioned the mayor of, I think, Joondalup, who got a small percentage of the vote. What system was it?

Mr P. Papalia: First-past-the-post.

Mr B.S. WYATT: Yes, with a very small percentage of the vote. By and large, all our citizens have a fair understanding of and a high degree of interest in our three tiers of government. I think most of us appreciate the fact that many times our constituents come to us with issues that are more relevant to the jurisdiction of local government or perhaps federal government. We either deal with them or refer them to the appropriate person. I still do not understand why we have different systems—at the moment we do not, but we will shortly—for different levels of government. In my mind it creates confusion, which, in his second reading speech, the minister said he was trying to avoid. It does not seem to me that the system under which we elect state parliamentarians and federal parliamentarians is that confusing. Today we all received from the Parliamentary Library of Western Australia the “2008 Western Australian State Election Analysis of Results”. I looked at the informal votes, bearing in mind, as I think we are all aware, that some of those informal votes represent people who are perhaps making a political statement by not voting or by deliberately casting an invalid vote. The total number of informal votes in 2008 at the last state election was 5.3 per cent. It has been around that figure for some period of time now. The average looks to be about four to 4.5 per cent. The turnout was high. The lowest turnout was 62 per cent in the electorate of Kimberley and the highest was 90.3 per cent in the electorate of Collie-Preston. We therefore have an electorate that is engaged, aware and educated and that knows how to elect state and federal members of Parliament. I do not have the figures here, but the turnout at the last federal election was even higher than that for the state election. Of course, when there is a change of government, the mood of the population tends to result in a higher turnout.

The minister has said that he has consulted with the sector, by which I assume him to mean the Western Australian Local Government Association. He said that the sector was concerned with the unpopular preferential proportional representation system, which is complicated, difficult to understand and time consuming. I do not accept for a moment that it is difficult and complicated to understand, because Western Australians in particular have been voting this way for a long time and have done so successfully time and time again. As for time consuming, heavens above, whether it is first-past-the-post or preferential proportional representation voting, the time is taken in getting to a ballot box, not in casting a vote. I do not think that the minister’s arguments for changing the voting system back to first-past-the-post really stack up.

I am not naïve. I understand that it is a matter the Labor Party and the Liberal Party will always take issue with. It seems to be imbedded in our psyches that we must support these different electoral systems despite the fact that every member here tonight has been elected under the system that the Labor Party supports; indeed, it is the same with federal members of Parliament. I think the Leader of the Opposition has already referred to this, but it is worth noting tonight the members who would not have been elected under a first-past-the-post system. The member for Alfred Cove would not have been here tonight.

Ms A.J.G. MacTiernan: Are you speaking for or against the bill?

Mr B.S. WYATT: That is a very good point. I have suddenly undermined my own argument! I may indeed convince myself before the end of the debate to cross the floor! Senator Black would be the member for Alfred Cove now. My colleague the member for Forrestfield, who recently spoke, would not have been elected but would have just missed out to a Liberal candidate. The Speaker, the member for Moore, would have found himself out of a job and a Liberal candidate would have been elected. Similarly, the member for Morley would not have found himself here this evening. No doubt those members will be voting against the bill in any event in light of the impact it would have had on their political careers.

Ms A.J.G. MacTiernan: And their own credibility.

Mr B.S. WYATT: Indeed; I thank the member for Armadale. When I first got to my feet I mentioned the scenario of the Scottish electorate and the gentleman who got elected to the House of Commons with just shy of 20 per cent of the vote. Effectively, the same happened in the French election of 2002 where there was a first-past-the-post system, a large number of candidates, and, in the end, Chirac had to take on Le Pen in a vote that should not have happened in that way. The Le Pen support was tiny and Chirac, who was not that popular, ended up with 90 per cent of the vote because of the distortions that allowed the field to narrow to two candidates as a result of the first-past-the-post system. The first-past-the-post system is not representative.

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I still do not understand the absurdity of having different electoral systems in the same state, let alone the same country, in layers of government where constituents expect all those elected to perform at high levels. I do not have a local government background, although many members do. Whether people have been elected to state Parliament or a local council, we all know that the constituents, who are indeed the same people, expect very high standards of us. It is absurd that we cannot have the same system of voting. I believe we should have compulsory voting at all levels. The minister who is in the process of trying to reform the local government structure is making his argument on the basis that WALGA wanted the first-past-the-post system back. However, WALGA certainly does not want what he wants for the local government structure, which suggests that the minister is perhaps picking and choosing what WALGA is interested in. Bill Mitchell was certainly very active when the government changed and has been active recently in respect of what the minister hopes to do with the structure of local government in Western Australia.

Ms A.J.G. MacTiernan: You have to ask how representative WALGA is when Sandstone gets the same vote as Joondalup.

Mr B.S. WYATT: The member for Armadale raises a very good point about how representative WALGA is. The vast majority of the state's local governments are in areas that have tiny numbers of constituents. In any event, this debate is not about WALGA but first-past-the-post, which is not an accurate reflection of the will of the people who vote. That is the inherent problem with the first-past-the-post system. The reason that all of us can say that we are an elected member—for Victoria Park in my case, Hillarys, Willetton, Bassendean or wherever—is that we received 50 per cent plus one of the vote. That is the key to being able to confidently represent an electorate. I know that 90 per cent of the electorate of Victoria Park turned out to vote and that I got over 50 per cent of the vote. I am therefore confident that I can speak on their behalf. A first-past-the-post system does not allow local government councillors to speak with that confidence. Local government elections do not have compulsory voting, so there is a lower turnout, even with those councils that have a purely postal vote process that makes it easier for people to vote. It must be said that the minister said we want to reform the local government structure. There is obviously some dispute over the method for going about doing that. I think we need to reform the local government structure and to devolve more responsibility to the local government structure. However, before we can do that, we need to have confidence that the size of local government, its sustainability and its training, are dealt with. The disclosure requirements are by and large dealt with in the large piece of legislation I referred to earlier, which is the Local Government Act 1995. To have an adequate, sustainable and representative local government structure, in my view and the view of this side of the house, we need to ensure that the electoral process delivers to councils and ratepayers a mayor who is representative of who they are and ensures that a mayor gets 50 per cent of the vote. The first-past-the-post system does not deliver that. We all know that and we all know that at some point in the future, when there is a Labor government again in Western Australia, this issue will be back before this house.

Mr R.F. Johnson: That will be in about 20 years' time, so we have no need to worry about that.

Mr W.J. Johnston: Will you still be here then?

Mr R.F. Johnson: I will still be here. Don't worry.

Mr B.S. WYATT: I do not know which is more absurd: the electoral process or the comments of the Leader of the House. I have spoken longer than I thought I would.

Mr P. Papalia: Feel free.

Mr B.S. WYATT: I thank the shadow minister, the member for Warnbro. The point I make is that a first-past-the-post electoral system does not represent my views when I vote for my councillors. It does not represent the views of my constituents, because it is such a small percentage vote and it exacerbates the problem of who wins the race.

Mr R.F. Johnson: Have you asked them? Have you ever surveyed your electorate and asked people what system they would prefer?

Ms A.J.G. MacTiernan: Have you?

Mr R.F. Johnson: I have, yes.

Ms A.J.G. MacTiernan: Are you misleading the house?

The ACTING SPEAKER (Mr P.B. Watson): Members, let us get back on track.

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Mr B.S. WYATT: Leader of the House, I have not. I will say that, like all members, I regularly have constituents in my electorate office complaining or praising local government structures or councillors. However, these constituents expect of their council representatives what I dare say they expect of representatives such as the member for Hillarys when it comes to response times and the services they get. I certainly find that to be the case when I deal with constituents about local government matters. When people come to me I cannot just flick them off by saying it is a local government issue; I tend to deal with their problem by forwarding a letter to the council. If we are to have the sorts of expectations that the minister and the opposition want to have of local government structures, we need an electoral process—and dare I say compulsory voting, albeit that is not a part of this bill; but members can make whatever comments they want—that will allow councillors to speak with confidence on behalf of their ward or, in the case of the mayor, district. Councils are not yet treated with the respect due to them because they are not seen to be representative. Until we know that local government councils are indeed representative of the people they purportedly represent, they will not be viewed as an adequate third level of government. It is my very firm view that because of the size of our state, the local government structure in Western Australia needs to take on more responsibility. I have said that our local government structures are a creature of statute that live, breathe and die courtesy of the laws passed in this chamber and in the other place. We will sell our large state of Western Australia short until we can provide it with a local government structure in which all citizens, no matter where they live—be it in Kununurra or Esperance—feel they are well serviced by their local councillors.

Minister, I will of course be opposing the Local Government Amendment (Elections) Bill. I do not think that in modern times first-past-the-post voting is an expectation of modern governance; nor is it an appropriate way by which to elect councillors. I do not expect state or federal parliamentarians to be elected by first-past-the-post because it is an absurd method that is neither representative nor reflective; and I certainly do not expect local councillors to be elected by that method.

The ACTING SPEAKER: Members, a lot of little meetings are going on in the chamber. Most members are out of their seats and talking. Two members are talking at the back of the chamber—member for Mount Lawley. Gentlemen, if you want to have meetings you can go outside, but if you are going to remain in the chamber to talk, please sit in your own chairs.

MR M.P. WHITELY (Bassendean) [9.42 pm]: I will be very brief because I think members on this side of the house have summed up in their contributions all the arguments for opposing the Local Government Amendment (Elections) Bill 2009.

I felt compelled to speak after I heard the Minister for Police's contribution. By way of interjection, he said that the reason the Liberal Party was bringing on this legislation was its commitment to democracy. What rubbish. What absolute rubbish! The Liberal Party has absolutely no commitment to democracy. If the Liberal Party had an ounce of commitment to democracy, Hon Peter Collier—and I use the term “honourable” advisedly—would not be a minister; nor would he be a member of this Parliament. He would not even be a member of the Liberal Party. In fact, he might be serving four years, but it would not be in this institution. When Peter Collier was an MLC-elect, the member for Mindarie called him a forger. I cannot call him that because he is a member of the other place. In fact, I am forced to use the prefix “honourable”. The fact is he faked people's signatures on Liberal Party membership forms—against their will and without their knowledge. I think that members of the Liberal Party have absolutely no right to come into this place and talk about democracy, as the Minister for Police did, when their party not only tolerates but also promotes and rewards that sort of behaviour.

My contribution will be very brief. Preferential voting is the Australian way of doing democracy. Voters make their first choice, and if that choice is not competitive they do not lose their vote; it is not wasted, because it goes to their second choice. In the end, under a preferential voting system, every vote has one value and every vote counts. A first-past-the-post voting system gives people one go, and if their first choice is not competitive their vote is spoiled or ruined. Preferential voting is the Australian way of doing democracy. It is the Australian way of doing democracy in the three tiers of government and that is why I will strongly oppose this bill.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [9.45 pm]: Some important principles are in play with the Local Government Amendment (Elections) Bill 2009. I do not have any experience as a local government councillor, but I would like, at this stage, to acknowledge the hard work done and the important contribution made by local councillors not only to their own communities, but also to our overall democratic system. It is an important contribution and one to which they bring a great deal of integrity and, I think, goodwill and good intentions. Given that, it is important that we back these councillors and town and city mayors with a system that supports their right to claim their place as representatives of the community. I think we short-change

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not only ourselves but also the work they do when we accept a second-rate system of democracy that falls below the standards expected by the community.

On the face of it, this bill is remarkably simple. It does one thing; that is, it winds back the democratic principles that were enshrined in the Local Government Act for a number of years. Is it not remarkable that this bill is a legislative priority at this point in the government's life? This is not legislation of a political party that was in opposition for seven and a half years and chafing at the bit ready to govern. This is not the legislation of a political party that has a vision for this state. This is not the legislation of people who have an idea about how they want the community to go forward. In the first six to nine months of this Parliament, there has really been only one piece of legislation of any substance—namely, the amendments to the Criminal Code. Other than that, we have had legislation such as the Royal Perth Hospital Protection Bill and now this three-page bill, which essentially sums up this government's reform agenda.

Mr C.C. Porter: What about truth-in-sentencing legislation?

Mr R.H. COOK: I acknowledge that there was some legislation of some substance, Attorney General. However, it is extraordinary that this is the best the Liberal Party can do when it comes to reforming the local government area. We know there is a reform agenda somewhere in the Liberal Party's policies because every now and then the Minister for Local Government lets out a little bit more. Indeed, I think to the horror of his colleagues, he lets out a little too much and then we see the undermining of the Minister for Local Government and a slow winding back of agendas such as the amalgamation agenda. Is it not extraordinary that after six months this is the best that the government can do? This bill is justified on the basis that it is popular. It might be popular with a particular stakeholder group, but I am not sure that it is popular with the community. I do not think it has been tested in the community. We understand that members of the Western Australian Local Government Association are keen on this legislation, embedded and involved as they are in a system that is familiar to them. However, I do not think the people of Western Australia are asking for this legislation for their local governments. I think it is an insult when members opposite say that the system of preferential proportional representation is too complicated for the people of Western Australia to understand, and that it is too time consuming for the bureaucracy to come up with a result. This legislation says that it is too time consuming for the bureaucracy to come up with a democratic system for elected local governments. It speaks of the simplicity of the first-past-the-post legislation. We know the first-past-the-post legislation is simple; it is simple because it is inadequate. It does not deliver proper democratic institutions within our community. We have heard a lot of speakers tonight talk about aspirations for an expanded role of local government. Indeed, I think there is an appetite in the electorate for that. However, again, there is no appetite in the electorate for a system that falls short of community expectations. What this legislation does is quite simple. It restores a conservative agenda in the area of local government. It restores a time and place in local government when people of privilege, people who were in an educated position and people in power had the opportunity to run their local governments. This is not a piece of legislation that seeks to deliver better local government.

One of the great strengths of local government is its closeness to and reflection of the make-up of the community it represents. A number of people have spoken during this debate about the strong level of connection between people in the community and their local governments. They like the idea of being empowered and in control of their communities, of seeing a local government that is working in a sustainable manner to deliver strong services to their communities and ensuring that everyone's views are reflected in what that local government authority does. I know as I go doorknocking in my electorate on a very regular basis that often people will say things like, "You know what really pisses me off about—" excuse me, Mr Acting Speaker. They will say, "Do you know what gets me down about local government?" —

Withdrawal of Remark

The ACTING SPEAKER (Mr P.B. Watson): Order, member for Kwinana. Will you withdraw?

Mr R.H. COOK: I thought I did, Mr Acting Speaker, but I certainly do.

Debate Resumed

Mr R.H. COOK: People in my electorate say, "Do you know what really gets me down about government?" I say no, thinking of getting to the nub of the matter. They say, "We don't get tip passes anymore and that is what I want to see government get into." I then explain that it is not necessarily within the sphere of the government representative that they are talking to on their doorstep, but this is the stuff that is really important to people in the community. They want to see local government representing their views and doing things in their community

Extract from Hansard
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that they see on a day-to-day basis. This has become an increasing aspect of our lives as representatives of the community. This is the aspect of the new democracy which is starting to take place in our community—namely, people closer to government, more engaged in the decision-making process and wanting to see their local representatives more reflective of their points of view. Despite the fact that this bill seeks to wind back democratic principles and values in the local government system, people in our community are actually looking for greater pluralism in our local government. They want their views represented; they do not want one dominating view inside their local government. They want to see representatives of different perspectives, whether they be perspectives that are driven by some religious conviction, by locality or by a perspective on a particular issue, such as the environment—they want to see all those ideas in the mix to ensure that local government continues to represent their views in a sustainable manner.

The Local Government Amendment (Elections) Bill essentially takes us backward. It takes us back to a time and place when local governments were simply the bastions of conservative opinion and the dominating views within the community, whether it be the local lawyer, the local real estate agent or someone of that sort. Indeed, we could hark back to some older times in local government when only the landed interests in that local government area could be represented. This bill takes us in that direction—it is retrograde—and that is why it should be opposed. There are other aspects of reforming local government that we, on this side of the house, would like embraced. Indeed, I noted during the campaign against the introduction of preferential proportional representation when this issue was last debated that the local government association held the position that we should move towards compulsory voting in local government elections. I would also like that examined. However, this bill does not take us any closer to a reform agenda for local government; it essentially takes us backwards.

I notice that the chamber has been particularly well attended tonight as we move through this debate, and I think there is a reason for that. It is because it goes to the heart of the principles that drive people on both sides of this chamber. There is a reason that members opposite oppose preferential proportional representation and they use accusations such as it encourages organisation and political movements. To a certain extent that may be true. It is true to say that we support initiatives in our democratic system that encourage people to organise, to congregate opinion around issues that are of importance to people in the community, to drive through ideas and to create change in their society. There is a reason why members on the opposite side of the chamber oppose those sorts of measures—that is essentially because they represent the side of privilege and we represent the side of democracy. We represent the side of pluralism and of principle whereby people can change the nature of the community in which they live.

The ACTING SPEAKER: I hope the member for Midland is not reading a newspaper.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr R.H. COOK: I will conclude my comments tonight by saying that we are lucky to live within the democratic institutions that drive both this place and our federal government system. We are lucky that we have compulsory voting. We are lucky that we have a preferential proportional representation system to drive the voting system in our government. We are the envy of countries across the world that look at our democratic system and can only aspire to achieving the sort of reforms and the sort of institutions that we have in place. Is it not extraordinary that we are now taking this step to actually wind back these new ideas in democracy? Is it not extraordinary that one of the first gestures for legislation in this place is to wind back these important principles and institutions in our democratic system?

The member for Perth made a comment earlier about the election in the seat of Kwinana, whereby a lot of people in that electorate were perhaps looking to send a message to my political party about the nature of the election and the circumstances in which they found themselves. I think it is a very great strength of our democracy that the system provided to the people in that electorate gave them the opportunity to have the fullest expression of their democratic values and to express those issues. It gave them the opportunity to actually —

Mr R.F. Johnson: Do you believe all that drive!

Mr R.H. COOK: We do, and that is the nub of the issue. We believe in these issues. We believe these principles and we believe they are worth protecting —

Several members interjected.

The ACTING SPEAKER: Order!

Mr Paul Papalia; Mr Rob Johnson; Mr Tom Stephens; Mr Bill Johnston; Deputy Speaker; Ms Alannah MacTiernan; Mr Eric Ripper; Mr Frank Alban; Acting Speaker; Mr David Templeman; Mr Joe Francis; Speaker; Mr Michael Sutherland; Dr Janet Woollard; Mr Albert Jacob; Mr Chris Tallentire; Mr Murray Cowper; Mr Paul Miles; Ms Janine Freeman; Mr Andrew Waddell; Mr John Hyde; Mr Ben Wyatt; Mr Martin Whitely; Mr Roger Cook; Mrs Michelle Roberts; Mr John Castrilli

Ms A.J.G. MacTiernan: He does not understand it; it is too sophisticated.

Mr R.H. COOK: Perhaps, member for Armadale, that is part of the problem too. When members opposite talk about the proportional preferential representation system being too complex, they are actually talking about their own capacity to get their heads around it. We believe that people voting in local government elections deserve the right to have their democratic values fully expressed. We believe that they should be given a local government system which is sustainable and which provides them with adequate representation and with the sort of voting system and democracy that they have come to expect. This is a retrograde bill. It will take us backwards, and I believe it will deliver to us a poorer local government system if its passage through this place is successful.

MRS M.H. ROBERTS (Midland) [10.00 pm]: I think we have to question the priorities of the government in bringing forward this Local Government Amendment (Elections) Bill 2009. This is not legislation that the community is clamouring for, nor is it legislation that will benefit the community in any shape or form. There are lots of pressing issues in the current economic environment that affect families—women and children; the whole population—yet the government's priority is to change the voting system in local government and to bring this bill forward as one of its first pieces of legislation. I question it as a matter of priority, and I also question the government's motivation for bringing this legislation forward. I see its motivation as being quite venal, because I believe, rightly or wrongly, that the government perceives that there is some electoral advantage in this for the Liberal Party.

My view is that there needs to be a consistent and clear approach to elections in our country across all spheres of government. We need to have a consistent way of voting, a clear way of voting, for all people to know and understand, not this chop-and-change attitude that the government has. At the state and commonwealth levels, we expect people to vote with numerals, yet at local government elections, ticking a box is good enough. To put it quite bluntly, my view is that the government sees this as a way of disenfranchising those people in the community who are less fortunate. There is a view—I think a correctly held one—that, more often than not, the Labor Party assists those people in the community who are less fortunate, and that more of those people are Labor voters. The Liberal Party does not attempt to provide an easier system for those people so that they can participate in democracy; it attempts to provide a confusing system across the various spheres of government. It is my view too that the Liberal Party wants to disenfranchise those people from various ethnic backgrounds, and potentially elderly people from ethnic backgrounds, who have come from countries with very different voting systems. In those countries, the system was that people could put a tick or a cross for a candidate, and that was good enough. The Liberal Party hopes potentially to seek advantage not only in local government elections, but also at the state and federal level by creating this confusion between the various spheres of government, so that potentially people will attempt to use a tick to signify a vote for someone at a state or federal level, and in doing so invalidate their vote. That is the real motivation, as I see it, and that is the reason I question why the Liberal Party has brought this forward as a priority—as one of the first pieces of legislation of its government.

In my view, there can be no excuse for different systems. There needs to be a clear and consistent system. People need to use numerals. They should also indicate their preferences. Some of my colleagues spoke at length—it is not my intention to speak at length—about the merits of the various systems. However, my firm view is that we need to have a clear and consistent system across all spheres of government. To do otherwise is to create confusion and to disenfranchise those people in the community who are least advantaged, those who are less educated, those who are from various migrant backgrounds and potentially also those who are elderly. Not only are they disadvantaged in their vote at local government level, but also they stand to be disadvantaged in casting their vote at a state and federal government level because that confusion has been created.

Without dwelling at length on the comments made by my colleagues, who I believe articulated the case very well, there is a clear case for having a diverse range of views reflected in local government. Some of my colleagues have talked about multi-person constituencies. That is the nature of most local government authorities. For example, the City of Perth has one constituency in which a lord mayor and eight persons are elected over the same ward boundaries. The City of Perth is, for all intents and purposes, just one ward. Most other local government authorities have a number of wards and multiple persons representing those wards. It makes sense, therefore, for a broad range of people to be elected.

One of the issues with the first-past-the-post system, of course, is that it is very easy for one very prominent individual to drag a whole team forward. In a sense, those people at the tail end of the ticket who are dragged up have not necessarily been knowingly voted for. Very few people in the community understand the full consequences of the system, particularly when there are multiple vacancies and when one person advocates two

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ticks, if two people are to be elected, or three ticks, if three people are to be elected. On the basis of one personality, three people potentially are elected, or four people in the case of the City of Perth, which has four persons for election at the one time. In my view, that system is a rort. The number of number one votes that people get should be what counts.

Under the proposed system, there may be four candidates, A, B, C and D, and two people to be elected—as there is, for example, in the Town of Vincent or the Town of Cambridge. Person A may be enormously popular, and he may advocate a vote for himself and for person D. Persons A and D will be elected. It does not matter that person B is by far the second most popular choice of the people. That is the disadvantage that occurs under this system. If it were on the basis of only number one votes and preferences, it may be that person D attracted less than 10 per cent of the vote and stood no chance of being elected. That is why the system being proposed by the government is very undemocratic. It is because someone who is popular—someone of substance, someone of credibility and someone well known in the community—and who potentially may have been able to attract 60 or 70 per cent of the vote is therefore able to get another person of his or her choice elected. Yes, in ticking the other box, people have voted for both those persons. There are often some unintended consequences—members opposite will know about that too—whereby people who are less likely to be the main choice are elected because more than one person puts them as a running mate. It encourages people to have running mates. We then have teams of people elected, rather than individuals seeking a number one vote just for themselves.

Within this system there are people who advocate just the one tick—“Just vote for me”—who do not run on tickets and who do not advocate support for a second or third person, or however many people are to be elected. However, in doing so, those people stand to be disadvantaged by the system, and it becomes a burden on people to have a running mate and to run as a team as such. My view is that that is not the outcome that the community is looking for. I believe community members would like to have a direct say in whom their preferred candidate is, and list their preferences in order. To me, that is the fairest way. It is how we operate in the Legislative Council, it is how we operate in the Senate, and of course it is how we should operate with multiple vacancies in local government.

If there is only one ward and one position for election—I know that the member for Swan Hills was in that situation in the Guildford ward in my electorate—it does not matter, for the purposes of fairness and an appropriate electoral system, whether the system is number one or a tick. However, it is an issue for the purposes of having a clear and consistent approach to voting at local government, state government and federal government levels. This is mistaken legislation; it is wrong legislation. It is legislation that is unfair, and it will not result in the best outcome for the community. The Labor Party opposes the bill on that basis. We will always oppose unfair legislation of this nature. Sadly, the Liberal Party in government seeks to gain some venal advantage by changing the local government electoral system and putting in place a different system at that level. It is a shallow attempt to disenfranchise people at the local government level, and in turn, because of the confusion it will create, at the state government and federal government levels also.

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [10.10 pm]: — in reply: I thank all members in the chamber for their contributions to this debate. I am sure there will be further debate and discussion during consideration in detail. The opposition’s decision to not support this bill was not unexpected, and I understand that. The government is on one side of the house and the opposition is on the other. I acknowledge that no one system is perfect; this has been said before, but I believe that the first-past-the-post system is the system best suited to local government. Local government is not a party based system. Candidates do not stand as representatives of political parties. The first-past-the-post system is an electoral system designed to recruit individual representatives. It gives voters a direct choice of single candidates, and no extra votes are shared between parties. I believe that the first-past-the-post system minimises politics in local government election campaigns because there is no distribution of preferences to encourage the formation of alliances.

The member for Warnbro asked why this legislation is important. I was approached by the Western Australian Local Government Association, which represents all local governments. It asked the state government to reintroduce the first-past-the-post system.

Mr P. Papalia: What else did they ask you?

Mr G.M. CASTRILLI: Every council in Western Australia is a member of WALGA, and I am responding to WALGA’s request and to the needs of local governments. Local government elections are to be held in October, and there is a need to pass this legislation now to enable the first-past-the-post system to be adopted in the forthcoming elections. It is a simpler system that is more suited to the needs of local government. Some

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members spoke about consultation. The Western Australian Local Government Association conducted two surveys, the first of which was with the Local Government Advisory Board in 2005; 84 councils responded, and 90 per cent of those councils wanted to retain first-past-the-post voting. Of the remaining 10 per cent, 63 per cent preferred preferential voting to proportional preferential voting. In 2006, WALGA conducted another survey when the former Labor government introduced PPR voting, with minimal consultation. This time, 105 councils responded, 102 of which absolutely supported the retention of first-past-the-post voting; only three supported it. The previous government's own advisory board suggested that it should not change the system and that it should stay the same as it was. The member for Armadale made a comparison between state and federal elections, and talked about the complexities and consistencies. However, voting for the Legislative Assembly and the House of Representatives is for single vacancies. In the Legislative Council and the Senate, there are multiple vacancies and people can vote above the line. In fact, 90 per cent of people choose to vote above the line. This is not the same as local government. Voting at the state and federal government level is voting for parties. Local government voting is for individuals. Local government is a level of government based on electing the best individuals for the vacancies. To my mind, this is very democratic and is not based on party alignments.

Local government is different in two very critical ways: voting is not compulsory—this was mentioned earlier by the member for Mandurah—and candidates do not overtly stand for political parties.

Mr E.S. Ripper: The point is that those differences do not justify a different electoral system. You've made no argument that they do.

Mr G.M. CASTRILLI: Proportional preferential representation, so it has been stated, provides an outcome that is acceptable to most people. However, without a compulsory voting system, the argument can apply only to those who vote, not to all the electors. The member for Mandurah asked why the government did not introduce compulsory voting. When the former Labor government introduced PPR into this Parliament in 2006, it had the perfect opportunity to introduce compulsory voting at local government elections.

Mr D.A. Templeman: You're in government now!

Mr G.M. CASTRILLI: Do not worry about the current government. Why did the Labor Party not introduce it back in 2006? It had the numbers and it had a classic opportunity, so that begs the question.

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah, because I know that you are not deaf, I formally call you to order for the second time.

Mr G.M. CASTRILLI: The member for Mandurah asked why the government did not introduce compulsory voting. The previous government had the perfect opportunity to do so in 2006.

Ms J.M. Freeman interjected.

The SPEAKER: Member for Nollamara!

Mr G.M. CASTRILLI: The Leader of the Opposition talked about statistics analysing the state government elections in 2007; that was very interesting, but not relevant.

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah!

Mr G.M. CASTRILLI: Local government elections are not about voting for parties. The government's justification is that electors understand and clearly see the value of their vote, and the way in which the process works. It is simple for all the participants in the local government process, whether they are electors or candidates. People get to vote for the individuals that they want to elect and the person whom most voters believe to be the best person is the person who wins.

Ms J.M. Freeman: Not most voters.

Mr G.M. CASTRILLI: It is.

First-past-the-post voting was the choice of local governments after extensive consultation, when the act was introduced in 1995. Proportional preferential representation was a policy decision of the Labor government, and that consultation was minimal. I believe that first-past-the-post voting best suits local government, and the government supports that system. The Western Australian Local Government Association very clearly supports a reversion to first-past-the-post voting; members of WALGA wrote to me and met with me, and specifically put

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to me the case for reverting to that system. The government is listening to WALGA and to local governments. Of the 105 councils that responded to WALGA's survey, 102 wanted first-past-the-post voting, and only three agreed with proportional preferential representation. That is what it is all about. I am sure that there will be further discussion and debate during consideration in detail.

Question put and a division taken with the following result —

Ayes (28)

Mr P. Abetz	Dr E. Constable	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Mr M.J. Cowper	Dr G.G. Jacobs	Mr C.C. Porter
Mr C.J. Barnett	Mr J.H.D. Day	Mr R.F. Johnson	Mr D.T. Redman
Mr I.C. Blayney	Mr J.M. Francis	Mr A. Krsticevic	Mr A.J. Simpson
Mr I.M. Britza	Mr B.J. Grylls	Mr W.R. Marmion	Mr M.W. Sutherland
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr G.M. Castrilli	Mrs L.M. Harvey	Mrs A.R. Mitchell	Mr J.E. McGrath (<i>Teller</i>)

Noes (24)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell
Mr V.A. Catania	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Ms A.J.G. MacTiernan	Mr E.S. Ripper	Mr M.P. Whitely
Ms J.M. Freeman	Mr M.P. Murray	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr T.G. Stephens	Mr D.A. Templeman (<i>Teller</i>)

Question thus passed.

Bill read a second time.

Leave not granted to proceed forthwith to third reading.

House adjourned at 10.23 pm
