

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

**CONSTITUTIONAL AND ELECTORAL LEGISLATION
AMENDMENT (ELECTORAL EQUALITY) BILL 2021**

Second Reading

Resumed from 16 September.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [5.25 pm]: I rise to speak on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. For the purposes of this bill I advise that I am the lead speaker for the opposition as the shadow Minister for Electoral Affairs.

It is with great regret that we must debate this legislation at all. The legislation, far from what the title of the bill suggests, is not about equality. It is about Labor making a power grab. The Attorney General and the Premier have dressed up the bill to justify their abuse of power by using the word “equality”, but it is far from it. It is a bill that will disenfranchise people in this state. It is a bill that will undermine a system of Parliament that is designed to be robust and houses of Parliament that are meant to be elected differently to serve different purposes.

Members, I started my time as a member of this Parliament in the Legislative Council. That house has a specific purpose: to review legislation, to scrutinise legislation, to provide a counterbalance and, effectively, provide a check of government conduct. The house is supposed to reflect the geography of this state and ensure that everyone has the opportunity to have their voices heard in relation to legislation and debates that could impact their lives. It is not designed to be a reflection of the Legislative Assembly. This government is seeking to make changes that will entrench that reality and, as a result, our democratic system will suffer.

I would like to refer early in my contribution to some of the submissions that have been made to the ministerial committee that was created by the government. I will start with the contribution from Julie Freeman, who writes —

It is too simplistic to discuss electoral equality without also considering electoral equity or to look at the Legislative Council without also considering the Legislative Assembly. At a basic numerical level electoral equality implies one-vote-one-value. This has already been achieved in the Legislative Assembly and has resulted in 43 Members of Parliament from the metropolitan region (6,418km²) and 16 Members of Parliament to cover the remaining 2,520,595km².

She continues —

Australians accept that achieving equality in many areas of society means actively removing the barriers which create disadvantage and protecting the conditions which make access and participation fair. We do not apply equality in a numerical sense, that is, ‘giving everyone the same’, when it comes to addressing disadvantage in disability inclusion, gender diversity, educational outcomes or cultural diversity because we know that applying a one-size-fits-all formula to disadvantaged groups will only create further disadvantage ... In non-metropolitan Western Australia, the greatest barrier to participation in parliamentary process is low population, as evidenced in the Legislative Assembly. The current region-based model in the Legislative Council actively removes that barrier.

It is fair and just that the Legislative Council provides an alternative model to provide balance in representation. Three metropolitan regions and three non-metropolitan regions provides for equality between the city and the rest of the state. Each region having the same number of representatives (6) further enshrines equality between the regions ensuring no region has a louder voice than the others when it comes to reviewing legislation proposed by the Legislative Assembly.

I know Julie is from a regional area and I think she articulated very clearly the perspective or the views that we need to be balancing, which is equality versus equity.

Allan Marshall of Lake Grace writes in his submission —

WA cannot be compared with some other states in Australia or indeed other countries around the globe who may have used a numerical equality to determine representation. Who else has such large areas of remote and low population areas but with such a vital contribution to provide for the wealth which underwrites the necessary health, education, law and order and services for all West Australians.

I turn to the WA Local Government Association and its submission to the committee. It is very blunt. It says —

WALGA does not support the option of electing members of the Legislative Council from an electorate consisting of the entire state of Western Australia.

...

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WALGA rejects the option of members of the Legislative Council being elected from an electorate comprising the entire state of Western Australia, principally on the basis that rural and remote political representation would be diminished irrevocably.

...

Focusing on equality only in terms of the number of electors in a Legislative Council region neglects to recognise the social, societal, economic, and geographic reality among Western Australian communities.

The Shire of Narrogin and the WA Grains Group made similar observations, picking up on the difference between equality and equity and how the current system, with regions clearly delineated, achieves equity. WAFarmers made the point that a statewide model diminishes the relevance and uniqueness of the regions and will further drive a metro-centric focus of the Parliament. Of particular interest in the WAFarmers submission is reference to the consideration of the High Court in the case *McGinty v Western Australia* that the interpretation of sections 7 and 24 of the Australian Constitution do not require that all votes hold the same value. Perhaps the Attorney General can shed some light on this particular case. I wonder whether he had any involvement in that court case.

I was also interested to read the submission made by Mr Andrew Murray, who is a Rhodes scholar. He was a Western Australian senator from 1996 to 2008 and a member of the Joint Standing Committee on Electoral Matters in federal Parliament from 1996 to 2008. I think most members would agree that he is a highly respected individual. He made some very interesting observations in his submission to the Ministerial Expert Committee on Electoral Reform. He said —

Malapportionment is accepted and constitutionally enshrined in federal systems such as the United States of America and Australia. In the latter it is most pronounced in electors' voting power for the Senate in Tasmania, as compared to New South Wales.

He goes on —

The application of one vote one value to the Legislative Council would proportionally reduce country (rural/regional) representation.

A section in his submission refers to regional representation specifically. He states —

The practice of enhanced regional representation in democratic parliaments, particularly in legislatures that have an upper house, is well accepted.

In its application to Western Australia that practice of enhanced regional representation is reinforced by geography and demographics, requiring regions in this vast state to be created to allow for good administration and communication.

Accordingly there are ten distinct development regions —

There are nine in regional areas and one in the metropolitan area —

144 local governments of which 30 are in Perth, and State departments like energy, health, police and education all have designated regions for organisational purposes.

He concluded —

In theory the Legislative Council regions could be abolished and members elected on a statewide basis, as for the federal Senate, but this idea should be discarded. Inevitably this would result in the Legislative Council members being predominantly from Perth.

It will surprise no-one in this chamber that I agree with Mr Murray's argument and conclusions on this flawed Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. He and I agree that the regional model for the Legislative Council should remain. There has simply been no call for its abolition by the public. I have taken the time to read in just a small selection of submissions. Members may be interested to turn their minds to Antony Green's submission. We all know him and appreciate his work. He is a learned individual who follows this issue in great detail in not only Western Australia, but also across the nation. He does not draw the conclusion that these changes are necessary. He does not believe that the two issues of the Daylight Saving Party being elected on a handful of votes and electoral reform should be conflated and he does not support electoral reform of the Legislative Council with one vote, one value in the way it has been introduced. This is important because the people of Western Australia were given no option to consider this matter before the state election. It is important to have some of their voices read into Parliament. I assume that other members will take the time to read the submissions to the ministerial expert committee. It is important that we take into consideration those views because the people of Western Australia were told again and again by the Premier of the state before the election that changes to the Legislative Council were not on the agenda, yet here we are. Just six months since the election, a ministerial expert

Extract from *Hansard*

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committee was formed, submissions were made, a report was created and a 61-page bill passed through drafting and cabinet and was read into the house for debate. It is actually quite remarkable.

For something that was not on the agenda, it is remarkable that this has clearly been given the ultimate priority within Labor ranks. It is not legislation to amend the Guardianship and Administration Act 1990; not legislation about links to terrorism, as the opposition was alerted would be debated this week; not legislation to debate reform to our water legislation, which is 100 years old, which could be used to improve our use and management of this precious resource; not land tenure legislation for us to consider, which, I understand, is one of the main blockers to achieving the hydrogen vision that the government keeps presenting; and not changes to extend superannuation splitting to de facto couples in Western Australia. Rather, we are dealing with this bill as the matter of priority, something that no-one asked for before the election and something that the Premier denied was on the agenda. This legislation has rocketed to the top of the list through the drafting process, which we know is congested; indeed, much needs to be done. The government is prioritising the disenfranchisement of many, many Western Australian voters and legislation that will ultimately silence regional voices. That is where this government's priorities are and, quite frankly, it is appalling.

Let us turn to the process that arrived at this bill. I have talked about the fact that prior to the election, the Premier was asked quite specifically whether this was on the agenda and he denied it. I turn to the article written by Paul Murray in *The West Australian* of Saturday, 10 July. He wrote —

Having steadfastly denied before the recent polls that changing the electoral laws was on his government's agenda, Premier Mark McGowan lost no time making it a priority as soon as the results were in, ensuring his hands are grubbier than they need to be.

Once again, the Premier's candour was found wanting when he succumbs to raw political partisanship.

The article quotes the Premier —

“Well, I'll be clear, I'll be clear again,” McGowan said under questioning just days before the election. “It's not on our agenda. Enhanced regional representation will continue and this is just another smoke screen by the Liberals and Nationals.”

The article continues —

He couldn't have been clearer—if you understand the language of politics. His lips were moving.

The journalist persevered: “So can I take from that the Labor Party isn't going to be doing it?”

“It's not on our agenda,” McGowan replied testily. “We support enhanced regional representation.”

McGowan then called an inquiry into “electoral equality for all citizens” in Upper House ballots which would appear to be a fatal blow to “enhanced regional representation”.

Everyone knows what it means to call an inquiry in politics.

The four-member inquiry committee headed by former governor Malcolm McCusker was given just eight weeks to fix a problem that had been hanging around since 1890.

As has been well canvassed in his house, the ministerial expert panel was created with handpicked supporters of one vote, one value—academics who were handed very narrow terms of reference—so the only outcome could have been the one that the government wanted and the one that we are debating today. A number of committee members have worked for Labor governments, ministers and Deputy Premiers. The question that really needs to be asked is: how impartial and unbiased was that ministerial committee? The only person we could apply that to is the chair of the committee, Hon Malcolm McCusker, because in reality the answer is that the remaining committee members had very little impartiality because they had actually published again and again and actively called for the introduction of one vote, one value and changes to the Legislative Council. There was a great deal of bias towards the government's agenda by this ministerial expert committee. There was no regional representation on the committee. All the members live in Perth. They had well-known and fixed views on electoral reform in the Legislative Council. On releasing its final report, the committee advised us that it had not visited the regions. We received a briefing from the committee members on the day the report was tabled and notice was given that the bill would be read a second time. They made it very clear that they had not been out to the regions. Although circumspect in their answers to us as the opposition, they were very clear about the fact that the committee's terms of reference gave them no choice other than to deliver the outcome that we are debating today. It was clear that the process was very hastily put together in an attempt to provide some level of cover for the government and its agenda, given that the Premier said again and again that it was not on the agenda.

Let us look at the dates and the process by which the committee went about its business. It was appointed and provided with the terms of reference by the Minister for Electoral Affairs on 28 April 2021. It invited submissions from the

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public on Saturday, 1 May and I think it reiterated that again on 28 May and 29 May. It did not release a discussion paper for people to consider until 14 May. So, it invited submissions on 1 May but did not create a discussion on this until two weeks after the first call went out for submissions. We raised the issue that if a discussion paper was created and the committee was required to call for submissions with that guidance, more than a week needed to be given. It was then forced to extend the deadline for submissions from 31 May to 8 June.

After publishing the report, the chair, Malcolm McCusker, spoke to our members and then the media. When he spoke to the report, he made it very clear that the terms of reference were very narrow and there was very little option for the committee to do anything other than return a whole-of-state model. I am afraid to say that the ministerial committee was nothing more than a waste of time. It was trying to provide a veneer of consultation, I suppose, to combat what the Premier had said prior to the election, which is that it was not on the agenda. The government should have saved the taxpayers the cost of the committee and simply introduced its legislation, which I suspect had already started to be drafted prior to the completion of the committee's report. It was clear that the committee was never going to deliver any other outcome.

I now turn to the detail of the legislation. I will go through some of the broadbrush details and then talk in more detail to some of the issues that the opposition has raised. Ostensibly, the purpose of the bill is to establish a whole-of-state electorate, abolish group voting tickets and introduce optional preferential voting for the Western Australian Legislative Council. Each of the six existing regions will be replaced with a whole-of-state electorate for the Council. For the purposes of *Hansard* and those who are reading it in years to come, currently six regions are represented in the Legislative Council and they have six members each. We have a Mining and Pastoral Region, the Agricultural Region and the South West Region, and then in the metropolitan area, there is the East Metropolitan Region, the North Metropolitan Region and the South Metropolitan Region. It acknowledges that in our state, we have vast geographical differences and differences between communities. I think that is entirely appropriate and it certainly balances the make-up of this house and the way the members of this house are elected, with the application of one vote, one value, which necessarily sees a higher number of members from the metropolitan area than from the regions.

In summary, the regions are to be abolished and Legislative Councillors will be elected from a statewide electorate. The number of MLCs will increase from 36 to 37. The current ballot, with above and below line voting, will be retained, but group voting tickets will be abolished, which will limit party control between party preference deals. I want to be very clear and up-front about group voting tickets. The opposition has no issues with the changes that the government is proposing on the abolition of group voting tickets. In fact, we were ready to support the government on any amendments that it wanted to make prior to the last election to perhaps avoid the situation that we saw play out in the 2021 state election. Unfortunately, that was not done. I reject any argument that is put forward that says we are not supportive of changing the group voting ticket. We are on the record repeatedly saying that we support sensible reform in those areas. The fact that it has been wound into this bill that will reduce representation for regional voices in the state's Parliament means that unfortunately for us, we will not be able to support the bill in its entirety. Given the numbers that we have in both houses of Parliament, I suspect that the minister is not too worried about whether we support it.

Optional preferential voting will be used. There will be some questions to the minister about this because we note that a similar methodology, but not exactly, is used for the Senate. A voter will be required to mark at least one square above the line, with further preferences to be optional, or they can mark at least 20 squares below the line, with all further preferences optional. That is different from the Senate in how many are required to be marked above and below the line. I think that is probably a missed opportunity but it is something that we can explore to try to harmonise that and reduce voter confusion. Some of these voting systems are not easy. I am fairly sure that most people do not give a great deal of thought to how they mark the ballot paper. Many people just mark the number one and move on. I would have thought that having a similar or almost the same process as that for the Senate rather than what has been proposed would have reduced some of that confusion. It would be interesting to learn from the minister how the government arrived at what has been selected going forward.

The quota for the election for the Legislative Council will be 2.63 per cent, which is approximately 38 000 votes. It is worth noting that because of the optional preferential voting and exhausted preferences in the system being introduced, vacancies are likely to be filled at the end by candidates who have less than a quota of votes. We had this discussion with the Electoral Commission during the briefing that it provided. I will probably need to spend a little more time thinking about how those preferences will flow and how those final vacancies will be filled. I guess the point being made is that if we are trying to avoid the election of people on low votes, there is still the potential for that to occur under this new system—albeit that I think all the experts and those who crunch the numbers would say that it is unlikely we would get a scenario that someone would be elected on 98 votes in the future.

A member interjected.

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The ACTING SPEAKER (Ms K.E. Giddens): Attorney General, if you wish to interject, and I certainly do not encourage it, please do so from your chair.

Ms M.J. DAVIES: The process of party registration will be amended so that all parties have to apply to the Western Australian Electoral Commission to register 12 months prior to the issue of the writs. Candidates will be required to pay a \$2 000 application fee. There will be a requirement for parties to provide an annual return for continued registration to prove that the party has 500 unique members. I understand that this is new. It will come with some administrative burden behind the scenes for political parties, and no doubt also for the Electoral Commission. That is something that we would like to explore during consideration in detail. To qualify for a square above the line on the ballot paper, there must be five or more candidates in the group. Independent candidates who apply for nomination must have 250 supporting declarations from enrolled electors.

They are the major areas in which there are changes. A raft of other smaller administrative issues will come about as a consequence. To go through some of those issues in detail, Attorney General, I have spoken about the deceit of the Premier prior to the election in denying that this was on the agenda. I cannot emphasise enough that it is incredibly disappointing to be dealing with a piece of legislation like this in the midst of a pandemic, when there are so many other issues that we should be focusing on. On the subject of the pandemic, Western Australia has the worst vaccination rate of all the states in Australia. We have housing and skills crises and a multitude of other issues that the Premier should be turning his mind to, notwithstanding the legislation I have already mentioned that could be prioritised and debated. It is incredibly disappointing to be debating a piece of legislation that we know is being pushed through early in this parliamentary term in the hope that by the time of the next election, the electorate will have moved on and forgotten the sting of this Labor government disenfranchising regional communities and the impact that will have.

Unfortunately, that will probably not come to bear until sometime down the track, but from the opposition's perspective, we want to be very clear that not only will there be a reduction in representation in the Legislative Council, but also, because of the removal of references to the regions and the metropolitan boundary line, there will be a reduction over time in the number of regional members in the Legislative Assembly and, in fact, probably also a loss of seats. I do not think that is anything to be proud of. Unfortunately, that is the legacy of the Labor Party. It is the only party that has driven a reduction in the number of regional seats in this Parliament. It did so to a significant degree in the Legislative Assembly and is now seeking to impose the same in the Legislative Council. In doing so, it will make it much more difficult for us to bridge some of the divides between city and country in terms of outcomes in health, education, transport, access to services and advocacy on issues that simply do not impact on people who live closer to the halls of power.

This is an ideological argument, based on numbers, as opposed to the equity argument we talked about earlier. It is not only the opposition saying that; a number of submissions also put that on the table. In general, the policy of the bill is something that we utterly reject. The whole-of-state model that has been recommended, as opposed to maintaining the regional boundary and some notion of regional electorates, will lead to a loss of regional representation. As I have already said, that will also happen, by stealth, here in the Legislative Assembly over successive boundary redistributions.

It is also not beyond the realm of possibility that we could begin to see electorates the size of some of our federal electorates, such as Durack and O'Connor—enormous electorates going from Kununurra down to Merredin; the cut-off runs through my electorate of Central Wheatbelt. That is two-thirds of the state's geographical area, with very diverse communities to represent.

Mr V.A. Catania: Mind you, member, 860 000 square kilometres is pretty big as well.

Ms M.J. DAVIES: Correct, and that compounds the issue. We already have big electorates in this state. This is removal by stealth of any delineation between or acknowledgement of regions. We should be mindful of that when redistributions are drawn so that we have houses of Parliament that acknowledge that vastness, but that will all be washed away by this legislation.

I turn now to the increase in the number of members of the Legislative Council from 36 to 37. This was not a recommendation of the Ministerial Expert Committee on Electoral Reform; this is something that was brought forward without any consultation. When we get to that part of the legislation during consideration in detail, I will have the wording of the explanatory memorandum, but my reading of it, in plain English, is essentially that it will make it easier for the party that wins the most votes to control the Legislative Council and further embed the power of the executive government. The Legislative Council was always meant to be a house of review; increasing the number of members by one will—this will be debated in depth when the legislation gets to the Legislative Council—politicise the role of the President. I suspect the President will be called upon more often to vote; from my experience

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in that house, that is supposed to happen only on rare occasions, not as a means of putting a rubber stamp on what the executive government wants.

It was not a recommendation of the ministerial expert committee to increase the number of members of Parliament. In any other context, we would see front-page headlines about increasing the number of members of state Parliament; it seems remarkable to me that this is happening and there has not been any pushback from the community or the media about adding another person to the payroll for, I think, suspect reasons. I look forward, when we get to that part of the legislation, to having a discussion with the Attorney General about the politicisation of the role of the President and embedding the power of the executive government. It is quite right for that to happen in the Legislative Assembly; that is where the decisions are made and where executive government delivers its agenda, but to embed that power in the Legislative Council flies in the face of what the bicameral Westminster system was designed to do.

I mentioned earlier that the abolition of group voting tickets is something that we support, and we have stated our public support for it on more than one occasion. Some observations by Antony Green on this matter are instructive. I refer to a blog on his website from 14 May 2021, “WA Legislative Council Reform—The Problems of Ballot Paper Design and the Number of Preferences”. I talked about the system that we use in the Senate and what is being proposed here for the Legislative Council. Antony Green provides some interesting background on that, and I think it would be worthwhile putting it on the record. The blog states —

GVTs were first introduced for Senate elections in 1984. They were introduced as a solution to a chronic high rate of informal voting and designed to make voting easier while retaining full preferential voting.

What has not been fully appreciated is that the tickets sped up voting and also simplified the counting process. GVTs meant that less than 10% of ballot papers needed to be examined for formality and re-examined for preferences during the count. The rest of the ballot papers were ticket votes, and all ticket votes for a party being the same, could be treated as block votes.

These benefits have since been outweighed by the manipulation of results produced by GVTs giving parties almost total control over between-party preferences.

This goes to the issue we talked about in relation to preference whisperers and harvesting preferences to get people elected who, some would argue, are not necessarily representative of the broader community. The blog continues —

For major parties, GVTs strengthened the strong flow of preferences that parties had previously achieved through influencing voters with how-to-votes. But GVTs gave the same power to small parties that previously struggled to influence preferences due to lack of members distributing how-to-votes. Even the smallest micro-parties that didn't bother to campaign suddenly had total control over their preferences. Over time, as participants learnt how to use GVTs strategically, the system began to elect candidate from parties with tiny votes who would never been elected had voters controlled preferences.

The problem has been well articulated. As I said, the opposition would have been happy to deal with changes to that part of our electoral system without dealing with all the other matters that have been brought as part of this legislation. Those changes have been made in New South Wales and in the federal system, and from our perspective, they should be welcomed.

However, when we get to the optional preferential voting methodology, there is voter confusion and concern around the size of the ballot paper. I know that sounds like an odd thing to be concerned about, but members would be familiar with the New South Wales tablecloth ballot; I think it has been talked about ad nauseam. If people who are engaged in this process at all—they have seen us debate making the system more transparent and open and removing group voting tickets so that we do not have that behind-the-scenes preference harvesting—were handed a piece of paper that is literally the size of a tablecloth, or a kitchen table, they would be unimpressed, Attorney General. They would say that we have failed in our duty to make this a sensible way for people to engage in the democratic process of electing representatives. I have to say that when we asked the Western Australian Electoral Commissioner about that in the briefing, he said that there is the potential for it to happen in Western Australia. I am very interested to hear from the Attorney General on how that will be prevented, because I think it would be a failure if that were to happen as a result of what I think are positive moves to remove that outcome.

As I mentioned, there was an opportunity to have consistency between the Senate methodology and the Legislative Council to reduce voter confusion, but they will not be the same. I have a raft of notes on the background of that. Again, Antony Green is very instructive on some of these matters. The tablecloth ballot that I referred to was in New South Wales in the late 1990s and had 264 candidates nominated across 80 groups and one ungrouped column as well. It was quite remarkable and I think it is something that we need to avoid at all costs. The outcome of that field of candidates was that the above and below the line voting options had to be triple-decked

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to accommodate the nominations. I understand further ramifications included that the electoral commission at the time had to widen the voting partitions used. These are the practical things that need to be considered or avoided. I am not joking; Antony Green looked at and reviewed the election and he found that they needed to hire stronger forklifts, use larger planes to deliver ballot papers to distant areas, widen the slots on ballot boxes and put stronger glue on declaration envelopes. It sounds ridiculous but we should absolutely seek to avoid any replication of that. I think some confidence from the Attorney General that that will not be the case when we front up in 2025 would be welcomed by everyone. The government has to provide us with some confidence that it will not burden taxpayers unnecessarily.

We also seek clarification from the Attorney General on how long he thinks the processing of this new system will take in terms of counting votes, because the Electoral Commissioner has advised us that it will likely take between three to four weeks after the election for a result in the Legislative Council to be known and published. Certainly, it will require additional bodies on the ground to do that and that will come at a cost. The Western Australian Electoral Commission confirmed to us during the estimates hearing three weeks ago that although it will manage the redistribution—the change from the regional model we have now to a whole-of-state model—within its current budget, it would come back to government to ask for additional funds for community education in the run-up to the election, which one would expect when there is going to be a significant change, and to manage the count after polling closes. The commission was unable to advise what these costs were likely to be. In being transparent and accountable—we are making significant changes to the electoral system—we need to be able to identify what these costs are likely to be. It is unfortunate, but I think the commission could not tell us because it was not consulted as part of this process. In fact, I took away from the briefing that by the time the commission saw a draft of the legislation, the decisions had been made on the policy. I think at one point the commissioner said that they were dealing with two drafts, so two drafts might have been going concurrently, and being asked to comment on various parts, but there was very little that they could do and they were given little time to provide modelling and things like that. I am happy to have that clarified, Attorney General. Certainly, my understanding of the *Hansard* of the estimates committee hearing is that the Electoral Commissioner had very little to do with any of the changes that are being proposed. I would have thought given that the Electoral Commission is the body that probably has the most to do with the intricacies of managing elections, it would have been an appropriate organisation for the government to work alongside or at least seek its views.

Another issue that the opposition is concerned about is the potential increase in the number of single-issue parties or Independents in the Legislative Council. The whole-of-state model with a reduced quota of 2.63 per cent gives rise to the prospect that there will be an increase in the number of single-issue parties and Independents, and perhaps groups that do not necessarily reflect the broader views of the Western Australian community, which is, ironically, exactly what this government says it is trying to cut out—the election of parties on a handful of votes. The reality is that we are likely to see the election of a member of Parliament from the Daylight Saving Party because it will be much easier for that party to get a quota in the Perth metropolitan area, which is what I imagine it would do, than in the Mining and Pastoral Region by doing a preference deal. The way that previous referendums have gone, there is greater support for daylight saving in the Perth metropolitan area, so it would not be unusual for us to see that outcome.

From the opposition's perspective, although it is probably not an issue for the current government—although it should be—on issues like banning live exports, it would be very easy to pull together a number of people to meet the nomination status, become a registered party and then garner enough votes to have a member of Parliament sit in the Legislative Council wanting to ban live exports. Many in this Parliament would argue that that is an appropriate outcome, but from an industry perspective, an international relations perspective and certainly an economic perspective that would be incredibly damaging. As a Parliament we have to acknowledge that an outcome of this legislation will be that we could see such a group directing the outcome of legislation and putting forward that perspective in Parliament. I am sure that there will be other issues that the government can raise that we will say it would be good to have single-issue parties as part of the crossbench. I just think that the irony of this legislation is that with a reduced quota of 2.63 per cent we are more likely to have single-issue parties and Independents contesting elections and getting elected, and that there will be more of the issues that they will be trying to change.

Mr V.A. Catania: Can I just interrupt?

Ms M.J. DAVIES: Yes.

Mr V.A. Catania: I think back in the day, the Labor Party harnessed preferences to assist it in getting its upper house or Senate spots. I think it may have developed the marijuana party to assist it. The Labor Party well and truly understands how important it is to create these minor parties. I just wanted to get that on the record.

Several members interjected.

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Ms M.J. DAVIES: Antony Green noted the following in New South Wales —

Despite the quota being 4.55%, at the 2019 NSW LC election, the final four vacancies went to candidates with less than a quota —

We have already touched on that; I think that is the reality and we will see that here in Western Australia—

the final Coalition candidate with 3.55% after preferences, final Labor candidate with 3.39%, Animal Justice 2.74% and second One Nation candidate 2.66%. Animal Justice had started the count with 1.95%.

The Animal Justice candidate was elected. The article continues —

In 2015 the Animal Justice Party won the final seat on an even lower vote. It polled 1.78% (0.29 quotas) and reached 2.12% (0.47 quotas) after preferences. This was the lowest first preference vote for a successful candidate since the electoral system was introduced in 2003. It was lower than the 2.05% for the elected Shooters Party in 2003, equal to the unsuccessful Australian Democrats in 2007 (1.78%) and lower than for Pauline Hanson’s unsuccessful contests in 2003 ... and 2011 ...

The more groups there are on the ballot paper, the more likely that the final candidates for a WA Legislative Council election might win the final seat with a figure well below 2.7%. My rough rule of thumb is that any candidate with around half a quota, that’s 1.31%, will stand a chance of winning one of the final seats. But in the end, getting elected from 1.3% is still a lot more than getting elected from 98 votes, as the Daylight Saving Party did in 2021.

I acknowledged that at the beginning of my speech. But the reality is that we will still see parties like the Daylight Saving Party elected to Parliament, albeit in a different manner. This is what this government is hanging its hat on and is the rationale and *raison d’être* for bringing on this legislation for debate. It is worthwhile putting that on the record, because when we get to the other side of 2025, I think some people in the community will question why some of these parties, which they do not believe reflect the mainstream values of Western Australians, are still elected.

The only other issue I raised earlier was the changes to party registration and deregistration. We have questions about what registration will look like—the “500 unique” members—what will happen if a party does not meet that, how a party will become deregistered, and the rationale for increasing the prescribed nomination fees, but they are all mechanical things that we can go through during consideration in detail.

The thing I want to emphasise the most—we have had a number of debates around this issue—is that it absolutely floors me that we are having this debate at all, because behind the Premier’s daily posturing on the GST and picking fights with New South Wales and the eastern states about COVID-19 is a government that is failing on the basics. We have a skills crisis. We are in the midst of a housing crisis. We have an agricultural sector that feels abandoned by its own minister. We have a tourism sector that is stretched to the seams. We have an Attorney General who is facing questions in the media and this house on issues of integrity around declarations and ministerial codes of conduct. We have a Minister for Climate Action who has declared war on regional communities that rely on native forestry. We have a Minister for Health who has overseen a crisis in our health system at a time when it has never been more critical for it to be operating at optimum levels. The Premier has \$5.8 billion tucked in his back pocket, yet we are dealing with this legislation. We need our health system to be fixed, we need our housing to be fixed and we need workers for our tourism, agricultural, small business and mining sectors, yet the government has introduced legislation that I think will make it more difficult for us to bring those stories from those industries and sectors to this Parliament. It is of such deep concern that instead of focusing on this, Labor has chosen to focus on silencing regional voices in our state Parliament. This agenda will ultimately impact our whole state.

The industries that are based in the regions and drive our national economy require sensible decision-making. With the greatest of respect, just as someone who is elected to local government on a single issue, members of a single-issue party in Parliament very quickly find it to be a challenging situation. That is because when we get to these places and into government, we have to make decisions for the whole state. If we cannot bring the voices of those industries, businesses and communities into the place where those decisions are made and from where cabinet is selected, I think it will do the whole state an enormous disservice. The power this government has been gifted was not gifted by the people of Western Australia for it to embed control for its political party for years to come; it should be used judiciously and carefully. Ultimately, and unfortunately, I think the government has made very short work of failing this test. Just like the decision to end native forestry, which was made as part of the state budget process on which we have just completed debate, any changes to our electoral system should be put to the people of Western Australia so that they can decide how important it is to their community and their future. As I have said in this place before, I cannot imagine the people of Warren–Blackwood—I could substitute any other regional seat—would have been so generous in their support for the Labor Party if there had been a sharing of the

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government's position on electoral reform and native forestry prior to the election. The Premier denied them. It was not that he was silent on the matter: he denied again and again that it was on the government's agenda. The so-called ministerial expert committee was an absolute farce and an absolute sham. This group of academics was hand-selected because they are ardent advocates of one vote, one value. To nail it down, they were handed terms of reference that could deliver nothing but the outcome that we are debating today. The Premier peddles the line that reform was needed because the Daylight Saving Party was elected to the Council with just a handful of votes, but that is a dishonest and disingenuous argument. For the reasons I outlined before, I do not think it will change the fact that we will still see parties like that in our Parliament. It is for someone else to decide whether that is good, bad or indifferent, but that is the reason the Premier and Attorney General have said we are debating this legislation today.

The opposition opposes the Labor government's plan to slash regional representation in our Parliament. We oppose silencing regional Western Australian voices. We oppose disenfranchising those who live, work and invest in our regions and those who rely on them to generate the considerable wealth of not just our state but also our entire nation. We oppose sidelining vulnerable populations that are already eons away from the decision-makers of our state, and we reject short-changing the businesses and industries that generate the wealth of this nation by removing representatives who understand what it takes to get a project up and running in these areas in a regional context. We are not taking this stand because we wish to preserve our own political fortunes—that is the Labor Party's approach; that is what is happening today—we oppose the legislation because it will widen the city-country divide that our party, the opposition and those who come from regional Western Australia spend every waking hour trying to bridge. Removing the voices of people who live and work in regional communities and who get what it is like to educate their kids, access health care, look after the elderly and run a business in these communities will make it much harder to bridge that gap. In no logical way can it mean that we will get better at doing those things. Things might not be perfect now, but I can honestly say, hand on heart, that not one person in regional Western Australia has come to me and said, "I feel over-represented, Mia. I feel like my voice is heard in the Parliament too much—that we have too much clout; that we over-influencing the outcomes of government spending." That is not what they do.

Ms L. Mettam: Quite the opposite.

Ms M.J. DAVIES: Exactly the opposite. We oppose this legislation because the argument for it is based on ideology instead of equity, and because the government has no mandate to make these changes. These changes should be put to a referendum or taken to an election. We have said again and again that every Western Australian should be given a chance to voice their thoughts on how these changes will affect them. We will come to the point about the referendum—I think we have articulated why we want to do that—but the opposition and I know that the government will not take it to a referendum because it has waited too long for this moment. At the very least, it is the opposition's view that the bill should be discharged to a committee so that it can be reviewed and appropriate scrutiny applied. To that end, I propose an amendment to the motion on the second reading to do just that.

Amendment to Motion

Ms M.J. DAVIES: I move —

To delete "now" and insert after "time" —

only after the Community Development and Justice Standing Committee has reviewed the bill and reported to the house

We think this committee is the most appropriate place for the bill to be referred. It has the capacity to investigate the detail of the bill, to call for stakeholders and to provide the house with a report on the policy of the bill and whether it is drafted to deliver that policy intent. Why do we think this would be prudent? It is because the Premier denied that electoral reform was on the agenda before the election; the government has been hasty in its preparation of the legislation since the election; the legislation was hastily put together following a farcical expert review committee process; and the bill contains amendments that were not considered or recommended by the committee, such as increasing the number of MPs and requiring an absolute majority, for instance, to make any future changes to the electoral system. The government is belt and bracing any changes so that it will be almost impossible for any notion of this to be rewound. The standing committee process should be utilised to provide scrutiny of this legislation, because it will fundamentally change the way that people elect their representatives.

Further arguments for why we think the bill should go to a committee are that only limited advice was sought from the Electoral Commissioner and the cost implications should be further explored so that the people of Western Australia understand exactly what that will mean come 2025. I have outlined the reasons concerning the briefing we received from the Electoral Commission. Most of the questions we have I think would be better dealt with in a committee. I suspect that I know the outcome of this motion, but we will use every opportunity we have to make sure that the people of Western Australia, and particularly those in regional WA and those who rely on having

Extract from Hansard

[ASSEMBLY — Tuesday, 12 October 2021]

p4234c-4290a

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sensible voices in regional WA in this Parliament, know that we fought tooth and nail to prevent their voices from being silenced in this Parliament. This is the first, and we think a sensible, suggestion. It does not mean that the bill cannot proceed at some point in the future, but certainly from our perspective, it deserves the attention of a parliamentary committee and not a politically hand-picked ministerial committee.

Sitting suspended from 6.00 to 7.00 pm

The ACTING SPEAKER (Mrs L.A. Munday): Members, as a point of clarification, during the second reading debate on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, the question before the chair has been that the bill be now read a second time. The Leader of the Opposition has proposed a reasoned amendment to this question in accordance with standing order 170 by deleting the word “now” and inserting after the word “time” —

only after the Community Development and Justice Standing Committee has reviewed the bill and reported to the house

Therefore, the question now before the chair is that the word to be deleted be deleted.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [7.02 pm]: We are debating whether this reasoned amendment put forward by the Leader of the Opposition should be accepted by the house. At hand here is not a debate on the merits of the bill as such, but whether it is appropriate to send the bill to the aforementioned committee to properly examine the bill at length. The committee would be able to go through what is a very complex bill. There are 97 clauses in this bill. The genesis of the bill was the appointment of a ministerial expert panel in a very quick process immediately following the election. That panel had fairly clearly defined criteria and terms of reference to go through and it had a very short time frame to consult with the community. In fact, during its deliberations that ministerial expert panel did very little in terms of going around the state getting an idea of the feeling throughout the length and breadth of Western Australia. The panel came back with a number of recommendations, some of which are reflected in this bill.

The second reading speech of the Attorney General references some of the complexities of the bill. It states —

The bill will remove the reference to the metropolitan area of Perth in the Electoral Act 1907 because the metropolitan boundary will no longer be used to delineate the three contiguous regions known as North Metropolitan, South Metropolitan and East Metropolitan.

Of course, we also know that it will remove other references to any regions. The speech continues —

The bill will amend the Electoral Act 1907, the Constitution Act 1889, the Constitution Acts Amendment Act 1899 and will make consequential amendments to the Local Government Act 1995 and the Salaries and Allowances Act 1975. The bill will repeal the Electoral (Ballot Paper Forms) Regulations 1990.

This bill will reform the process by which the Legislative Council is selected. It will be the most radical overhaul of the way that the Legislative Council is formed that we have seen in well over a century. I do not know of any other time since responsible government was granted in this state that we have seen such a level of change proposed to the electoral system of this state. It eclipses the restructure that came from the one vote, one value debate in the Legislative Assembly in that the ramifications from the way it will change the composition of the Legislative Council are radical indeed. With such a huge overhaul, there will be a large number of changes to be made to many acts, and there will be a great level of complexity in not only the legislation, but also the form of the ballot; the form of the elections that will go ahead in the future; and the composition of the Council itself, with an increase in the number of members—something that the ministerial panel did not recommend as such. The bill has gone beyond what the panel suggested.

We had the opportunity to have a discussion with the Electoral Commissioner and it appears that the Electoral Commission was not part of the considerations of the ministerial expert panel. It did not make a submission to that panel, although it had a discussion with it at some point. By the time it was brought into the system on the legislation that we see before us, the commission suggested it was probably at the fifth or sixth draft of the bill. I imagine that an awful lot of work and changes had been going on behind the scenes in order to cobble together in such a quick time the legislation that we see here today. Because of the complexity and the ramifications if something goes wrong, we believe it would be prudent for a committee to examine the aims that the government has put forward, whether this bill meets those aims, whether those aims are the most appropriate aims for the legislation, and if, indeed, there may be some changes that might be able to be suggested to improve the legislation and the outcome for Western Australians as a whole.

One of the matters that the Electoral Commissioner referred to was the composition of the Legislative Council going forward with 37 members. It is interesting that the number of members in the Legislative Council can be increased

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by an act of Parliament carried by an absolute majority, but its numbers cannot be reduced, except by referendum. In order for the government to seek to achieve an odd number of members of the Legislative Council, it will have to increase the number of Council members to avoid holding a referendum. Why does the government wish to avoid a referendum on an issue that is so important? Why would it want to do that? It has quoted that the justification is in the report and in the background to the bill; that is, electing an odd number of people will make it easier to achieve a majority in the other chamber. That is true; it is well known that in multi-member electorates it is easier to get a majority when there is an odd number of members in a seat. That also holds very true when there is a relatively low number of members in a seat. As we get more and more members in a seat, the actual number of votes needed to gain a majority becomes less significant. For instance, to get a majority of members in a 36-member Parliament, a party would need to get 51.4 per cent of the vote. That is hardly an overwhelming majority in order to win a quota that would provide a majority of seats in the house. That is based on the ministerial expert committee's calculations in its table on page 22 of the report. That does not seem to me to be a hurdle in the way of a workable Legislative Council. The government needs to explain why it wants to increase the burden on Western Australian taxpayers in this way. Increasing the number of members of Parliament will be another impost on taxpayers. I do not know that taxpayers are out there saying, "Give me more MPs in a single-electorate house who I won't know from a bar of soap"!

We have also heard that there are recommendations that more resources be given to members of Parliament, but no numbers have been put on that so we do not know how those members of Parliament will be able to get out and represent the regions, if at all. None of that information has been put forward by the government. These are matters that a committee could examine, along with the legislation.

We also know that the Mining and Pastoral Region has a very low turnout of voters at elections—it was 72 per cent at the last election. A recommendation in the committee's report looked at other matters such as the turnout at state elections. The table on page 41 of the report has the turnout at 72 per cent. That is in a section titled "Related issues". It refers to trying to improve the voting system so that we can get beyond a system in which the most disadvantaged voters in our electorate, in terms of education and health outcomes, such as life expectancy et cetera, happen to have the lowest voter turnout—in fact, the lowest voter turnout in Parliament. The committee recommended that measures that it had discussed be considered to improve the electoral system going forward, yet they are ignored in this bill. Why is that? Surely that is another matter that the committee could look at. If the government really wants to get to the nub of better representation for the mining and pastoral area—in fact the people within it, because it will not be a region anymore—it should be looking at matters like that. Yet, because of the speed at which this process has been pushed through, those types of matters have been ignored.

In the last Parliament, a bill that contained all the urgent priorities of the government a year ago passed this house and went up to the other place. That bill related to things around disclosure, donations to political parties et cetera. None of those things are contained in this legislation. Why? Why is the government ignoring what was so important a year ago? Perhaps a committee needs to examine why there is such a narrow focus in this legislation on one thing, and one thing only—slashing regional representation in Parliament. Why is that the government's sole focus in this legislation? Why is that such an urgent matter three and a half years out from the next election? Why does it not have time to send it to a committee to be properly examined?

I urge all members in this house, especially those members from regional Western Australia who purport to represent regional Western Australia, to support this motion going forward and send this matter to the committee so that people can have a proper examination of all of the issues. Last time I looked at that committee's composition, it was Labor-dominated. There is nothing to fear by the committee looking at the bill. I urge all members of this place, especially the members for Pilbara, Kimberley and Bunbury, and members of various other regional places who are here today, Kalgoorlie and others, to look at this reasoned amendment put forward by the Leader of the Opposition and have the courage to vote for the good of their regions and send this whole bill to a committee for proper examination.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [7.15 pm]: I rise to support the motion to refer the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 to the Community Development and Justice Standing Committee. One of the things we have seen with this bill is its unseemly haste; no more so, can I say today, than when the Speaker of the house said that the government would guillotine this legislation by the end of Thursday; in fact, all stages would be put no matter what level of examination the opposition was at in relation to it. I am led to believe that tonight the government is going to force the opposition to stay in the chamber until we get through to the consideration in detail stage. What is the government trying to avoid in relation to this legislation? This is being rushed through in a manner that is completely inappropriate and in a manner that would make people believe that the government is concerned about something with this legislation; that it has something to hide from the people of Western Australia.

The Leader of the Opposition and the Deputy Leader of the Opposition have already covered this topic in some detail: when the ministerial expert committee was formed, it was utterly stacked with people who had one view only.

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The Attorney General established terms of reference that meant the committee could only come to a single conclusion and then we saw a complete lack of any appropriate consultation around this. The committee members did not even travel outside the metropolitan area to seek the views of the people who would be most impacted by this legislation. I am dumbfounded by that. On any other legislation, I hear the government boast about the level of consultation it has undertaken; that it has gone out and made a special effort to have committees and other things in regional areas to consult with the community. We hear that the government and its ministers undertake extensive polling and take submissions from people from overseas about legislation before this chamber, yet in relation to this bill, there was essentially no effort whatsoever to gain input from the people who will be most affected by the legislation.

If this bill is referred to the Community Development and Justice Standing Committee, there will be an opportunity for informed community consultation. Since the original briefing paper and the ministerial expert committee looked at very broad parameters, we now have the full legislation before us with all of the details. As has already been highlighted, and I will highlight in my second reading contribution, there is some concern about the level of detail in this bill on simple matters such as the exhaustion of preferences. There has been commentary on the number of votes that will be needed to get people elected, but as preferences are exhausted in the counting process, the number of votes that someone will need to become a member of the upper house will reduce and reduce as the count goes on. One of the stated intents of this bill is to eliminate micro-parties, but this bill will, in fact, catalyse a plethora of micro-parties, and the last few members elected to the upper house will be elected from a very low base of votes. Therefore, this is an opportunity for the committee to look at and perhaps recommend a requirement for more extensive compunction in terms of below-the-line voting, for example, so that we do not end up with people being elected with ridiculously low quotas when the stated intent of the Minister for Electoral Affairs, and one of the justifications that he gave for this bill, was that it will reduce the so-called micro-parties' ability to get elected.

The beauty of that committee is that it will be able to advertise and go out into the regions, as committees do, to seek input from affected communities. One of the things that the Ministerial Expert Committee on Electoral Reform—the so-called expert review panel—did not look at, and was not allowed to because of the terms of reference, was the impact of its decisions on the affected communities. It was not allowed to examine the unintended consequences of the bill, which is the most important matter, you would say, that the government should consider. As an example, I think that the proposed voting system will have the unintended consequence of encouraging a much larger number of micro-parties, and the way that the voting system will work means that the quota for those people will reduce as the count continues down the ballot paper and down people's preferences.

This bill will have a profound impact on regional areas and communities in Western Australia. There needs to be time for proper reflection on the bill. With the haste that this bill is going through, it seems that this has all the hallmarks of a bill that the government is ashamed of. The government is ashamed of the betrayal of the people of Western Australia, deliberately misleading them before the election. The regional Labor members sitting in this chamber tonight hid behind the lie that the government had no intention of changing the upper house voting system. Members opposite, you hid behind a lie. This is your chance to go out and explain to the community —

Several members interjected.

The ACTING SPEAKER: Members! The member is speaking.

Dr D.J. HONEY: This is your chance to go out there and discuss the implications of the bill with the community and, importantly, to understand the impact of the bill on those communities and what the government can do to make this a better bill.

It is clear that the government is hell-bent on pushing this bill through, but there is no haste. We are not going to an election for another three and a half years. Again, this has been pointed out by previous speakers on this reasoned amendment. There are other areas of important legislation that this government has previously said that should be a priority in this Parliament. The anti-consorting laws—there is nothing—are not a priority, but a piece of legislation that will not have any impact for three and a half years is a priority and will be guillotined through this chamber and Parliament. It is completely inappropriate to do that. As I say, this is a moment for the minister and the Labor members in this chamber to have some reflection and say, “We do want to do this properly. We do want to allow the community to actually understand what is being proposed. We want the community to be able to have input into this. We want to hear what the community has to say, particularly regional communities. We want to know what they have to say. We want to understand the unintended consequences of this bill and the committee could then recommend some appropriate changes to the bill.” If the government rushes this bill through in the way that it is doing, it not only is robbing regional communities of proper representation, but also stands the real prospect of not even achieving the stated goal, the principal stated reason, that we were told brought this bill forward; that is, the Premier and the Minister for Electoral Affairs thought it unreasonable that people with extraordinarily low support should end up being elected to Parliament.

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I urge members in the strongest possible terms to support this reasoned amendment. Make this a proper process. Do not pass this legislation in unseemly haste. Do not do it in a way that brings into question the real motivation that the government has for this bill.

MR V.A. CATANIA (North West Central) [7.25 pm]: I rise with the opposition to support the reasoned amendment moved by the Leader of the Opposition. I hope we have the support of the member for Kimberley and the member for Pilbara, who operate in the same region as I, as the member for North West Central, in the Mining and Pastoral Region, and who know how important it is to have local and strong representation for the people in the north of Western Australia. I have been in the party room with Labor members and I know how members of the Labor Party who are based in the metropolitan area treat their regional comrades. They treat them with such disdain. How can members opposite support this legislation? However, this is not my speech. We need to support this reasoned amendment that was moved by the Leader of the Opposition because what is the rush? Is it not important to go through to see how this legislation will work—to see whether it has had proper consultation with the people in regional Western Australia who will be affected dramatically by this? Members of Parliament in regional Western Australia do a lot more than our city comrades. I will use terminology that members of the Labor Party use—our city comrades.

We hear about the issues that the government needs to tackle and I will use one common example at the moment: vaccination rates. We hear about the vaccination rates in Perth and which suburbs have the highest and lowest rates. When it comes to regional Western Australia, those vaccination rates do not even rate! The government focuses on the city's vaccination rates, knowing that if COVID breaks out in the regional areas, our hospitals clearly do not have the capacity to deal with it and our Royal Flying Doctor Service will not be able to cope. When we have a government that cannot increase the vaccination rates in places like those in my electorate—Wiluna, Meekatharra, Carnarvon, Exmouth and Kalbarri—how can we have a piece of legislation that does not support the plight of regional people and the issues that they have? Why do we need to support this reasoned amendment? There are a lot of questions about how this new system will affect people in regional Western Australia, taking away their voice. I asked many of my constituents how many times they had seen an upper house member or a senator in the backblocks of Wiluna or Meekatharra? The answer was never! Therefore, these changes will affect what little representation we currently have with the upper house stacked with Labor members of Parliament. It will change the system and base everyone in the metropolitan area.

The questions that need to be asked are: how will this bill allow for 37 members of the Legislative Council to be able to have those allowances? Those allowances are important. Where will a member be able to put their office? Will we have 37 offices based in the CBD of Perth? What will be the charter allowance to enable members to travel to places like Wiluna, Sandstone or the Kimberley? I know the member for Kimberley knows how important the charter allowance is. Will these 37 members have free commercial travel to the whole of the state to travel as they please—perhaps to go and have a holiday at Cable Beach in Broome? Is the Attorney General going to swap to the Legislative Council? How many staff will those members be able to have? What will be their car allowance? Will they have a regional or a metropolitan car allowance? These requirements are very important. This is about getting members out and about—out of the metropolitan area and into the regional areas. That is why we need to find out: is the government going to properly resource these Legislative Council members to be able to go into the regions? It is actually very important. We do not have a government jet that we can just fly around as we please.

Why is this legislation a priority when the Premier and the Minister for Sport and Recreation have said that it is not a priority to try to win the Commonwealth Games because we are in a pandemic? Why is this legislation being prioritised and rammed through this place when we have a pandemic on? I think the Attorney General has clearly outlined that the Labor Party has wanted to do this for 120 years. It is quite clear that the Premier has wanted to do this—something that his idol, Hon Geoff Gallop, wanted to achieve back in 2005 and did not achieve. The Premier sees himself as someone who can become immortal in the Labor Party. That is what it is all about—the ego of the Premier to become immortal. The member for Pilbara laughs. Let me tell any regional member who laughs —

Several members interjected.

Mr V.A. CATANIA: I will start this speech again.

Several members interjected.

Mr V.A. CATANIA: I said it prior to COVID. We now know the slide that is occurring. The slide is now starting to occur. This is going to snowball, because when the Premier puts his ego before the pandemic, which he is doing right now, and when he puts his ego before stopping native forests being logged and trying to deal with the health and housing crises that exist, this democratic institution has a problem—and the problem is the ego of the Premier who wants to become immortalised in the Labor Party for achieving something that his idols in the past, Hon Jim McGinty and Hon Geoff Gallop, could not do. But now he can do it because in the mind of the Labor Party machinery, the brains trust, it believes that it has a bit of credit to burn. How is it going to burn that credit? It is going to burn you,

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member for Pilbara, and you, member for Kimberley, and it is going to burn you, member for Kalgoorlie, who sits behind me. It is going to burn regional representation, which means votes for you!

Several members interjected.

The ACTING SPEAKER: Members!

Mr V.A. CATANIA: People in our electorates are now even more behind the opposition, more behind the National Party and more behind the Liberal Party, because the ego of the Premier is now causing a huge city–region divide. That is what the Premier is all about, and he is ready to burn those country members of the Labor Party. Members, the rot begins. A per cent here and a per cent there all add up. That is where this Labor government is headed with this bill. For the decency of democracy, how about the government puts this legislation through —

Several members interjected.

Mr V.A. CATANIA: Members laugh! They think it is democratic to impose this after the election and after the government had said that electoral reform was not on the agenda. Is that democracy? Does that mean that this government has a mandate? There is no mandate. Members opposite tried to get rid of me, and now the only way they can potentially get rid of me is by changing the legislation and getting rid of a seat in regional Western Australia in this Legislative Assembly! Is that the real aim? Is that the real hatred that exists? The people of regional Western Australia are being punished because they voted for the Nationals WA in the North West Central seat. The only way that the government is going to get rid of the members on this side is to change the boundaries to get rid of a seat and to change the legislation. We all know that the government could not do it with the amount of money it threw against us and with all the lies it peddled at the election. All those lies, and the chickens are now coming home to roost. The only way the government can come back now is to change the legislation and get rid of seats in regional WA. The people of Western Australia are a lot smarter than that, and the rot has now started. Let me tell members, the arrogance of this Premier of Western Australia and the immortalisation that he wants in this chamber in this state will be to the detriment of all regional members opposite, and I reckon members opposite will go close to losing government in 2025.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [7.36 pm]: I rise to support this very worthy and reasoned amendment put forward by the Leader of the Opposition. It raises the question: Why rush? What is the imperative to rush such legislation through at this point in time when we are dealing with a pandemic? We are seeing a significant health crisis facing hospitals not only in metropolitan Perth but across regional Western Australia. Why rush this electoral reform agenda through, given that we have heard that during the election campaign the Premier ruled out electoral reform being on the agenda not once but seven times? This is something that the broader electorates across regional Western Australia were not prepared for, and certainly did not provide any form of mandate, in the lead-up to the election or even straight afterwards.

The reason we support this reasoned amendment is to provide an opportunity for some consideration of what has been put forward. We know that the ministerial expert panel was given narrow terms of reference when it looked at voter equality across the state. Malcolm McCusker made those points. The committee was in the unenviable position of having such a narrow focus, but there may be an opportunity for a committee to consider some other things, such as the bill's implications. We know that this bill is based on a simplistic notion that entrenches disadvantage amongst already disadvantaged communities. This bill will effectively remove the regional voice from some of our most vulnerable communities and proposes to strip political representation from Indigenous communities as well. It is certainly worthy of further investigation of other implications of this legislation.

As members in this place have stated, this electoral reform bill is being rushed through—with some haste. The government has no mandate to do so. We know that. This is obviously the effort of an arrogant government. The arrogance of this government knows no bounds. This government is taking the opportunity early in its term to wield its political ambitions. The member for North West Central quite rightly outlined what those political ambitions are. This has been the Labor Party's goal for 120 years, as pointed out by the Attorney General.

Mr J.R. Quigley: It's about democracy.

MS L. METTAM: It has nothing to do with democracy. There is no mandate for this. It is all about entrenching disadvantage across regional Western Australia. It is about stripping political representation from some of our most vulnerable communities. It is about taking away the voice of some of our most vulnerable regional and remote communities by removing the regional boundaries.

Several members interjected.

Point of Order

Mr R.S. LOVE: I would very much like to hear from the member for Vasse, not the member for Bunbury and the member for wherever he is from. They will have the opportunity later.

The ACTING SPEAKER (Mrs L.A. Munday): It is not a point of order, but I take your point.

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

Mr P. Papalia interjected.

The ACTING SPEAKER: Members! Please let the member for Vasse finish.

Debate Resumed

Ms L. METTAM: This legislation will have brutal implications for those vulnerable communities.

Mr T.J. Healy interjected.

The ACTING SPEAKER: Member for Southern River! Please let the member for Vasse speak.

Ms L. METTAM: Like the Labor Party would know about impartiality! We only need to look at its own committees. The Labor Party has a union-led, stacked committee looking into taking over the ambulance service, at a time when our hospitals are unable to respond and accept patients, and as a result patients are being ramped. The ambulance service is the only aspect of the health system that is actually functioning efficiently. The arrogance of this government knows no bounds. The government is being led by its own political ambitions and by its ambitions to support its union mates. It is putting the patients of Western Australia last. It is also putting the people of regional WA last.

This legislation will strip away regional representation and a political voice from the most vulnerable communities. That is a disgrace.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister!

Ms L. METTAM: The fact that the government wants to rush this through demonstrates its great arrogance. It has made this bill a priority at this particular time. The government has flagged a terrorism bill and other important legislation, but, apparently, it is more important to strip the people of regional WA from being given fair representation.

We will be opposing this bill, quite obviously. This motion is asking that the bill be given some further consideration. There are real concerns about this bill. Antony Green, in his submission, raised some real concerns about what this bill is attempting to achieve. I quote from his submission —

If ‘electoral equality’ is measured by where votes are cast, then clearly a state-wide electorate will provide greater electoral equality.

However, it is my view that there are serious problems with electing 36 Legislative Councillors from a state-wide electorate. Even if the Council is reverted to staggered terms with 18 members elected every four years, my experience observing the election of 21 members for the NSW Legislative Council raises major issues over ballot paper structure, counting method and nomination that need to be carefully considered.

It goes on. Antony Green has raised serious issues about the possible consequences of this legislation.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister!

Ms L. METTAM: We know that this proposed legislation has been deliberately written in such a way that it will not easily be wound back. This government is forcing through its political ambitions at the cost of regional representation. It is doing so in a dramatic and brutal manner, with the height of arrogance. This move will not be easily reversed in the future. That is why we are imploring members of the Labor government, particularly those who represent regional Western Australia, to consider this worthy motion, which seeks that some further consideration be given to the implications of this legislation and to what it will mean to strip political representation from some of our most vulnerable communities. Those communities have already been neglected under the McGowan Labor government with the proposal to remove Schools of the Air and to cut regional education, with the brutal gutting of royalties for regions, and with the arrogance that the government has applied to regional projects, even in my electorate. The former Minister for Tourism called Busselton Margaret River Airport a pup. It is hoped that that project will deliver real outcomes for regional WA. It is clear that this government is putting its own politics ahead of fairness. Its arrogance knows no bounds. We are imploring the Labor members of this Parliament, particularly those who are in their first term, and particularly those who have a duty to represent regional constituencies, to consider this reasoned amendment that has been put forward.

Several members interjected.

The ACTING SPEAKER: Members! The member for Vasse is trying to speak. If you could just keep it down, please, or take it outside.

Ms L. METTAM: They should allow some further consideration of the dire consequences of the legislation that has been proposed by this arrogant government.

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

MR P.J. RUNDLE (Roe) [7.47 pm]: I would like to lend my support to this reasoned amendment moved by the Leader of the Opposition. The member for North West Central summed it up when he said that the Attorney General and the Premier are creating a regional versus metropolitan divide.

Several members interjected.

The ACTING SPEAKER: Members! The member for Roe is not taking interjections. Please allow him to speak.

Mr P.J. RUNDLE: If members look at the front of Parliament House, they will see that it says, “Parliament of Western Australia”. The Attorney General is trying to make it the Parliament of Perth! The government hopes that three and a half years out from the next election we will have forgotten Schools of the Air, Perth Modern School and Moora Residential College, and the damage it has done to the agricultural college trust fund and to agricultural colleges and education right around Western Australia.

I can only agree with the Leader of the Opposition in recommending that this legislation be taken to the Community Development and Justice Standing Committee so that it can have a decent look at it. I refer to the report of the Ministerial Expert Committee on Electoral Reform. It states in paragraph 1.3, “Scope of the Report” —

The Committee received a wide range of views in submissions on a variety of subjects relating to the electoral system. There were a significant number of submissions both for and against regional vote weighting. A summary of these arguments is in **Annexure 4**. However, the Terms of Reference require the Committee to examine how (not whether) to achieve electoral equality, so the Report does not engage with those arguments.

That was the first thing the eminent Malcolm McCusker said in our briefing. The Attorney General was put in his place: the terms of reference were too narrow. The expert committee called for submissions. It got 184 submissions, but the government ignored most of them. Those people who sat down and worked hard to put in viable submissions about the fact that the majority of the gross state product comes out of the regions and how remote Indigenous community will have less representation have been ignored. All those people who sat down and did the right thing and sent in their submissions were ignored. The Attorney General made the terms of reference so narrow that their submissions did not fit within them. That was well and truly admitted to by the eminent Malcolm McCusker in that first paragraph and when he spoke to us in our briefing. It stands to reason that this committee must have a good look at the bill.

There are 97 clauses in the legislation. As the member for Moore said, there will be a short time frame. There has been barely any consultation. Two people have been busily beaver away in the Attorney General’s office drafting legislation concurrently. As the member for Moore pointed out, many acts will be affected by this legislation. It is very complicated. I would also like to question why we are increasing the number of members to 37. I would like the committee to look at the justification for that. There will be extra costs, extra complications and extra allowances—I tell you what: there will be plenty of extra costs because most Labor members of the Legislative Council will have their offices in West Perth. We will not be seeing them out in the regions.

Why is the government so afraid of a referendum? Why was it not on the Premier’s agenda?

Several members interjected.

Mr P.J. RUNDLE: Every time I hear a speech by a member of the government, all I hear is, “We’ve got a mandate to do this. We’ve got a mandate to do that.” It did not have a mandate for this. The Premier stood in front of Daniel Mercer in Albany. Seven times he asked the Premier: is this on the agenda? He asked him that question in every way, shape and form and the Premier said, “No, no. This is a Liberal–National smokescreen. It is a smokescreen. There is nothing on the agenda here.” When we came in here on the first day that Parliament began, in came the Attorney General with his ministerial expert committee and said, “Look at this. We’re going to take a look at it.” As the Attorney General admitted, the Labor Party has been waiting for this for 120 years. It is more interested in ramming this legislation through than having proper consultation.

Regional members of the Labor Party need to have a good, hard look at themselves. I notice that most of them have dispersed. It is good to see in the chamber the members for Kalgoorlie, Pilbara and Bunbury, and the member for Mandurah who is in a semi-regional seat. It is good to have those few regional Labor members in the chamber because they need to have a good, hard look at themselves. This is their opportunity to stand up and be counted. It is their opportunity to stand up and support this amendment, to look at all the submissions, at all the reasons and at how complicated this legislation is, and to look at how it is being rammed through by the Attorney General. This is the opportunity for regional members in this chamber to think about their vulnerable communities. I know the member for Pilbara will be thinking about vulnerable communities up there in his electorate, as will the member for Kalgoorlie. This is their opportunity. I imagine that Legislative Council Labor members are now starting to grapple for position because there will be no Mining and Pastoral Region, no Agricultural Region and no South West Region.

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It will all be about where they find themselves on the ticket. How about they stand up and represent the regions that they got elected for!

As the member for Vasse pointed out, Antony Green said —

It is my view that geographic equality can be approached with a well-designed region based electoral system. The question is, how to align these regions with lower house districts by formula without tying the state into the rigid districts in regions model that Victoria has adopted.

He went on —

... I will simply state the opinion that electoral equality can be approached with a regional voting system, while avoiding the design issues that could plague election from a single state-wide electorate.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Leader of the House, that is enough.

Mr P.J. RUNDLE: Obviously, the Attorney General is not thinking about taking any notice of the most well-respected election commentator in Australia, who said that “equality can be approached with a regional voting system”. I certainly take on those words of Antony Green. He knows what he is talking about; he has been around. I really look forward to regional Labor members standing up to be counted and standing up for the regions that they represent by supporting our proposal that the bill be considered by the Community Development and Justice Standing Committee. Let the committee have a look at the bill. It is very complicated. Let the committee do its job. I very much support this reasoned amendment.

MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs) [7.57 pm]: I am very pleased to stand here this evening to say to the member for Roe that he will not have to wait too long to see regional members stand up, because as soon as I have finished speaking, there will be a division and all those regional members will stand up to send this motion into the dustbin of history. I will tell members why.

Several members interjected.

Mr J.R. QUIGLEY: Can I be protected?

The ACTING SPEAKER: The Attorney General is not asking for any interactions.

Mr J.R. QUIGLEY: There are several very good reasons why this bill will not be sent to a committee. The government opposes this motion. Firstly, it is said of the government that there needs to be a committee to look at this bill. Which committee would it be? It would be the Community Development and Justice Standing Committee, and we know who the chair of that committee is. The chair of that committee is the member for Vasse, who has already made her position absolutely clear on this bill—intractable opposition to the bill. We know what the position of all the other members of that committee will be presently, because the members for Burns Beach, Bateman, Kimberley and Collie—Preston—the other members of the committee—will all be voting on this motion. They can vote as to whether they want the bill to be considered by that committee or whether they think this is a colossal waste of time. What is the starting point? Seeing as Antony Green has been cited by the opposition in this motion—it would have been more appropriate to have quoted him during the second reading debate than in this motion—we will use him as the jumping-off point. He wrote in his blog on 6 March 2021, so we are not talking about history —

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

Peter Kennedy on 29 March said —

... there is the ludicrous situation where anti-vaccination and legalising cannabis candidates could win seats for the next four years with embarrassingly few first preference votes thanks to extraordinarily complex preferencing arrangements.

Paul Murray, political commentator, wrote in *The West Australian* of 1 April 2017, after the 2017 election —

WA’s Legislative Council has a long and inglorious history as the most undemocratically elected parliamentary chamber in Australia. The malapportionment between country and city electorates has always been the worst in the nation.

That is the jump-off point. I was the Minister for Commerce as well as the Attorney General and was paid a great compliment after the election by being asked by the Premier whether I would take over the electoral affairs portfolio. The member for Roe has congratulated me in the past for having introduced 59 bills in the last Parliament. I think I am now up to about eight or nine in this Parliament; I just keep on going. The member for Cottesloe asked, “What about consorting legislation?” Wait until *The West Australian* arrives tonight. He will then get his answer about consorting legislation. No-one has produced more legislation for this Parliament in such a short space of time than my office and this department.

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We will be opposing this amendment, but I have to dismantle some of the nonsense that we have heard this evening. I will not take long because I want to get on with the second reading debate. I take members back to when Sir Charles Court sat in the Assembly of this state in the Premier's chair. In 1977, he said that when there was to be electoral change, the people should have a say. After an election was held, that promise for a mandate never came forward but Sir Charles Court then made significant amendments to the Constitution Acts Amendment Act. I will call it the Court bill. It entrenched the office of Governor and the houses of Parliament. It stated that members must be chosen directly by the people and that there could be no reduction in the number of members in either house. In addition, certain provisions of the Constitution Act 1889, including section 73, the embedding provision, were required to amend any of those entrenched positions. None of that was taken to a committee and none of it was taken to a referendum, like the opposition is now demanding. None of that was the subject of a ministerial expert panel that advertised widely in Western Australia before Sir Charles Court introduced those amendments. He did not get any public submissions. The Ministerial Expert Committee on Electoral Reform advertised and received and considered 184 public submissions and published them. There could not be a more transparent approach.

Let us turn to 2011, when the Barnett government introduced the Electoral and Constitution Amendment Bill 2011 to fix the date of elections. There was no referring it to a committee and there was no ministerial expert panel advertising in Western Australia to give all constituents the opportunity to be heard. Nor did that happen in 2014, when the Barnett government introduced the Electoral Amendment Bill 2014 to change the powers of the Electoral Distribution Commissioners. Nothing could be more significant than to change the powers of the Electoral Distribution Commissioners and include additional matters for their consideration when fixing the electoral boundaries. None of that went to a committee or to a referendum and there was no advertising in statewide papers seeking submissions about whether those amendments should happen. There was none of that.

Members opposite would say that Sir Charles Court would never do anything wrong. The Leader of the Opposition said that a clause in this bill says that if any future legislation could impact upon the equality of voting, it must receive an absolute majority of both chambers. That is what Sir Charles Court did. Members did not complain in their speeches about what Sir Charles Court did. Sir Charles Court also introduced legislation that the number of members in the Legislative Council could not be reduced without a referendum. None of that went to a committee and none of it was the subject of statewide advertising calling for submissions. The government just decided to do it. Members opposite want to see where the regional members of the Western Australian Labor Party stand. I will sit down. Keep your eyes open and you will see where regional members stand on this amendment.

Division

Amendment put and a division taken, the Acting Speaker (Ms A.E. Kent) casting her vote with the noes, with the following result —

Ayes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)

Noes (36)

Mr S.N. Aubrey	Mr M. Hughes	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr G. Baker	Mr W.J. Johnston	Ms L.A. Munday	Dr K. Stratton
Ms H.M. Beazley	Mr H.T. Jones	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms C.M. Collins	Ms E.J. Kelsbie	Mr P. Papalia	Mr D.A. Templeman
Mr R.H. Cook	Ms A.E. Kent	Mr S.J. Price	Mr P.C. Tinley
Ms D.G. D'Anna	Dr J. Krishnan	Mr D.T. Punch	Ms C.M. Tonkin
Ms K.E. Giddens	Mr P. Lilburne	Mr J.R. Quigley	Mr R.R. Whitby
Ms M.J. Hammat	Mr D.R. Michael	Ms J.J. Shaw	Ms S.E. Winton
Mr T.J. Healy	Mr K.J.J. Michel	Ms R.S. Stephens	Ms C.M. Rowe (<i>Teller</i>)

Amendment thus negatived.

Second Reading Resumed

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [8.11 pm]: I rise to speak in this important debate on the constitutional and electoral legislation amendment bill 2021. I will not call it the “electoral equality bill”, because I do not think it is at all about electoral equality. It is clearly about other matters, not about electoral equality. It is about realising an ambition that the Labor Party has long held to slash regional representation. We know that the Attorney General has said as much in some of his discussions. At one point I believe he was also quoted as saying that he thought his party had a 130-year-old ambition to get rid of the Legislative Council altogether. I have seen that quote—a 130-year-old ambition to get rid of the LC. It is not the one about changing the voting system,

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but a longer held ambition to be rid of the Legislative Council. We know the Labor government does not like any degree of oversight. It does not like to have anybody looking at the matters it brings forward. It has taken this very brief window of opportunity of having control of the Legislative Council, thanks to the COVID election when everybody, like a bunch of lemmings, ran to the cliff. For the Labor Party, it was a once-in-a-lifetime opportunity. The Labor Party grabbed the opportunity and within weeks it is ramming through legislation that has been hastily cobbled together and poorly written. This bill will be pushed through the Parliament without any concern about the consequences of its actions or for the people of regional Western Australia whom the Labor Party will be harming. I spoke before about the fact that the Mining and Pastoral Region has considerable disadvantage in many areas. There are lower expectations of life expectancy, lower literacy rates and poorer health outcomes than in other areas. We know that there is a lot lower turnout in elections and a lower ability to participate in the democratic process, one of the reasons being the difficulty of getting out there and getting the votes recorded for people right across the region.

The ministerial expert committee put to the government that that matter should be addressed, but it has done nothing about addressing it in this bill. This bill is not about achieving electoral equality for the people of the mining and pastoral area. This bill is about achieving what the Labor Party wants, and that is domination by the larger city-based population over the rest of the state, because the Labor Party thinks that is the best way forward to entrench its power in the future. Furthermore, the government has picked the most damaging way of doing this, by having a whole-of-state electorate elected in one go, which will open up the opportunity for a plethora of small parties to gain a foothold into the democratic process, parties that will be based on single interests. Many of those single-interest parties dominated by inner-city metropolitan voters will be elected to the detriment of regions. They are the people who want to cut out forestry; they are the people who want to cut out commercial fishing; and they are the people who want to get rid of live exports. All of those imposts will hit regional Western Australia very, very hard. The government is setting up the ability for all those little single-interest parties to easily find a path into Parliament, not just because the quota is down at around 2.7 per cent of the state average, but, as we have seen from the comments that the member for Central Wheatbelt put forward about what Antony Green outlined, the history is that a small party with a quota of about one-half of the necessary quota has a very good chance of getting elected. That probably means that a party would have a very good chance of being elected to the Parliament with about 1.3 per cent of the vote.

All of this has happened with the government putting some of the emphasis on the need for this legislation on the election of the Daylight Saving Party in the Mining and Pastoral Region. I agree that it is bizarre that 98 people on a first preference is enough to get someone elected, but I would be staggered if there is not someone elected for the Daylight Saving Party at the next election thanks to the process that the government will put in place. The government has guaranteed that small splinter groups like this can be elected. The government has a very deliberate policy in doing that, because it can pick them off one by one on their little interests. The government does not care if it is selling out regional Western Australia when it is making its dirty little deals with the “end live export” people, the “end Collie coal” people, the “end the forestry industry” people and the “end commercial fishing” people. We have already seen how the predecessor to this Minister for Fisheries—the predecessor to the predecessor; the government got rid of the other poor fella—tried to attack the families who make their living by going out very early in the morning and harvesting rock lobster off the west coast and tried to nationalise that industry, again, with the idea that selling it in the metropolitan area is a good thing—cheap crayfish! He said, “You can all go and get a little quota, it will be easy for you.” That was all at the expense of regional people. The Labor Party is always selling off the interests of regional people to pander to the majority of voters it thinks it will get in Perth. That is its pattern, and that is what it will set in stone forever now it has the chance. That is what the Labor Party is doing at the moment with this legislation.

Mr D.T. Punch interjected.

Mr R.S. LOVE: When the people in Bunbury voted for the member for Bunbury, did he say to them, “By the way, if we get enough people in the upper house in the South West Region, Agricultural Region and Mining and Pastoral Region, we are going to change the system of voting in Western Australia”? Did the member for Bunbury say that to them or did he stand next to his Premier when he was saying it was not on the agenda? I guarantee London to a brick that you never once told the people in Bunbury that you wanted to change the voting system under which we elect the Legislative Council in this state—not once! So do not talk to me about you representing regional Western Australia. You lied to the people of regional Western Australia when you said you were not going to change the voting system in this state.

Withdrawal of Remark

Mr D.T. PUNCH: I ask that that comment in relation to lying be withdrawn.

The ACTING SPEAKER (Ms A.E. Kent): Can you please withdraw that comment.

Mr R.S. LOVE: I will say “misled” instead of “lied”.

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Mr D.T. PUNCH: Please withdraw the word “lying”.

The ACTING SPEAKER: Can you please withdraw the word “lying”.

Mr R.S. LOVE: I withdraw, yes. “Instead of” would indicate withdrawal.

Debate Resumed

Mr P. Papalia: Finish up. Get on with it.

Mr R.S. LOVE: I look forward to the contribution of the Minister for Police, because he has been sitting throwing jibes from the luxury of his little lounge chair there all day without getting up and letting us know what he thinks about this. I suspect that the Minister for Electoral Affairs is so keen to get this through the house, he has probably ordered all the Labor people to be silent. I would be very interested to know whether Labor members will stand up to have a discussion on this. I would be very interested to know whether the member for Albany will get up and talk. I would be very interested to know whether the “King of the Pilbara” is going to get up and talk. I would be very interested to know whether the member for Bunbury is going to get up and talk. I would be very interested to know whether the member for Kalgoorlie will get up at some point tonight and talk.

Withdrawal of Remark

Mr W.J. JOHNSTON: You cannot reflect on the person sitting in the chair.

Mr R.S. LOVE: I am sorry. I withdraw that remark unreservedly.

Mr W.J. JOHNSTON: For a person who has been here as long as you, you would think you would know some of the standing orders.

Mr R.S. LOVE: Sit down!

Ms H.M. Beazley: That’s not for you to say; that’s for the Acting Speaker.

Mr R.S. LOVE: Is the clock ticking? What is going on? Have I got the call or does he have the call?

Mr W.J. JOHNSTON: I do not have the call.

The ACTING SPEAKER (Ms A.E. Kent): Member for Moore, you have the call.

Debate Resumed

Mr R.S. LOVE: I will go back to what I was getting on to say before I was rudely interrupted by the Minister for Mines and Petroleum and other things. We know that when the Labor Party went to the last election, you, the member for Bunbury said, and your party and leader repeatedly said that cutting regional representation —

Mr D.T. Punch: The member referred to “you”, as in me. I ask him to withdraw that.

Mr R.S. LOVE: I am talking about your leader.

Mr D.T. Punch: You said, “you”.

Mr R.S. LOVE: This is ridiculous. Are you denying that your party went out there and deliberately told the people of Western Australia that cutting regional representation was not on the agenda? There are plentiful quotes to indicate just the opposite.

We know very well that the Premier said more than once that cutting regional representation was not on the agenda, yet immediately after the election we saw it become very much on the agenda. After the Labor Party had gone to the electorate and said it was not on the agenda, within weeks it was on the agenda and a carefully laid out plan was enacted very smoothly and quickly. It would hardly indicate that the government had not had some pre-thought about what it was going to do if it got that opportunity. It would indicate that the government was very much considering that this could be something that may be on the agenda if it made that magic number of just getting the absolute majority in the Legislative Council. Once the Labor Party got that, it put in place its plan. Its plan was already set. Do not tell us it was not set. The Labor Party knew very well what it had in mind. It put in place a tame committee stacked with academics who had already made it quite clear what they thought should happen with representation in the Legislative Council. In fact, three members of the committee were part of a four-person group who, while that committee was considering these matters, put out a paper that virtually laid out most of what the final ministerial expert panel put into the report. That is not a transparent process; that is not a process taking into account and paying a level of respect to those 184 submissions that it received. The panel took no notice of any of them because it had exactly the same outcomes as it had put in its paper that were put out in the report before the process of the panel had even finished. There was no real process of consideration.

The government then went further, and the bill will increase the number of members in the Legislative Council chamber. It took no notice of the panel’s concerns about the level of representation for people in the mining and

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pastoral area and their ability to participate in the democratic process, given the disadvantage they face in a wide range of ways. That is evidenced in that region by the consistently low turnout of voters and consistent decline in that turnout over the years. Nowadays, we know that the postal system is not adequate for a postal vote situation. There are numerous stories of people not getting their ballots in on time and not being able to participate because of that. We know that communities did not get the ability to vote and have a say and the government has done nothing about addressing those issues. It brought in legislation that does not have any resemblance to the many issues and discussion points that were put forward over the years about problems in the state's electoral system.

As I already outlined when talking about the need to send this bill to a committee, last year the government put forward an Electoral Amendment Bill that did not speak of any of these things and did not try to make any of the changes that the government is putting in in here. It talked about disclosure and funding.

Mr W.J. Johnston: You voted against it.

Mr R.S. LOVE: No; we did not vote against it.

Mr W.J. Johnston: Yes, you did. Of course you did.

Mr R.S. LOVE: We did not. The government stalled it in the other place and never put it through. It never progressed the bill. It passed this house and it never progressed in the other place.

Mr W.J. Johnston: Member, you voted against it at the second reading.

Mr R.S. LOVE: Can I please continue without interruption?

The ACTING SPEAKER: Minister, the member for Moore has the call.

Mr R.S. LOVE: I look forward to the minister's contribution.

Mr W.J. Johnston: Why did you vote against it?

The ACTING SPEAKER: Minister!

Point of Order

Ms M.J. DAVIES: I am sitting right next to the Deputy Leader of the Opposition and I am finding it difficult to hear him over the constant interjection from the Minister for Energy. Could you please ask the house to come to some sort of order?

The ACTING SPEAKER (Ms A.E. Kent): Member for Moore.

Debate Resumed

Mr R.S. LOVE: As we have been saying today and have said before, we believe that this legislation is flawed. The reasons we feel it is flawed is, firstly, the process that the government put forward was a sham. It was a sham of a process. It pretended to be consultation with the community. It pretended to be a careful examination of all the issues, yet we know from the discussions with the Electoral Commissioner that before it bothered having a chat to the Electoral Commission about what might work and what might be a good way of making the practicalities of this ballot work, there had already been five or six drafts of the legislation. We will be bringing in a massive ballot system, with 37 people elected at once. The bill will do away with the group voting ticket, which we know had issues with the harvesting of preferences et cetera, but why was that brought in in the first place? It was brought in because of the high level of informality in voting. I think it came in federally in the Hawke era as a way to ensure that people's votes were not lost unnecessarily because they were confused by the system and made mistakes on their ballot. Now the government will bring in a voting system that is different from local government, different from the Senate and different from anything we have had before, with a massive ballot paper. I expect that the level of informality is not going to go down as a result of this; it will probably go back up. The government talks about the need for democracy, yet it will potentially lead to people being denied their choice because the system it is putting in place will be incomprehensible to them.

[Member's time extended.]

Mr R.S. LOVE: Furthermore, it will be very difficult for people to understand how they can make their choices in a way in which their preferences will be effective, because there will be no type of instruction that was available before. People are confused enough by preference voting, but what the government will bring in will in some ways make it a lot worse for them to make sure that they make the choices they really want. I feel that that is probably one of the more insidious problems in this whole discussion. But, of course, we also know that by losing any reference to regions within the act, there will be no reflection of the differences in the types of circumstances of people throughout the state. There will be no recognition of the difficulty of people who live in far-flung areas of the state

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

because the people who will represent them will have no real understanding of their needs. Let us face it, there are 60 000 to 70 000 voters in the current Mining and Pastoral Region; they are not going to constitute a large bloc of voters in the whole-of-state electorate. It is quite likely that the persons who are elected will have no affiliation with the Mining and Pastoral area in the future. There may be some people who are already in Parliament and there may be a period in which some people, by coincidence, happen to have some level of understanding and experience of the conditions in the Mining and Pastoral Region, the Agricultural Region and the South West Region, and the various regions of the state, but over time we will see a concentration of people who are city based and will not have an understanding of the issues that those people in the more far-flung areas of the state face, and we will see a lessening of the representation of those people. We will see the interests of areas in the state that produce the vast wealth of the state being less important in the Parliament and the considerations of this place.

Furthermore, the government will also take out of the act any reference to the metropolitan planning region and the boundary that that represents as a hard border between regional seats and metropolitan-based lower house seats. Within the directions given to the Electoral Distribution Commissioners now, when setting out the boundaries of lower house districts, there will be no reason not to include seats which are, if you like, hybrid seats between regional and rural areas, a bit like the federal seat of Pearce was at the last election and a bit like the federal seat of Durack and others are at the moment. We will see a mix of country and city people in the same electorate. In effect, over time there will be the loss of regional representation by absorption. There will not be the types of deliberations that we see at the moment when the Electoral Distribution Commissioners try to ensure that the four seats in the Mining and Pastoral Region, the four seats in the Agricultural Region and the eight seats in the South West Region can be rejigged in an appropriate way. We will see a gradual tug from the centre of those seats into Perth. We will see a loss of regional seats, and see it pretty quickly.

I recall a conversation I had with the member for Butler some time ago about the positioning of the people of Yanchep and how they may end up in the electorate of Moore. That was an interesting and quite instructive discussion about where the member for Butler thinks these things might go in the future. It could be said that a vote is a vote, but we will see fewer regional voices, not just because there will not be 18 members from regional Western Australia who currently represent regional Western Australia in the upper house, but the regional nature of certain seats which bound Perth, such as Central Wheatbelt, Murray–Wellington and Moore, will change over time. The old federal seat of Moore used to go up around Moore and all those sorts of places, and over time it has drifted further and further south and is no longer even north of the metropolitan area, because Pearce is above it. Its position has come way down. That means that we will hear fewer regional voices in the future.

When this idea was launched, there was no discussion about the effect on lower house seats. When I raised this in discussion with the ministerial expert committee, one of the experts—I will not single him out by name—admitted that the committee had not considered that, but he accepted that that would be a consequence. There are further issues here. Rather than just what is, on the face of it, the loss of representation for the upper house, there will also be a loss of regional voices in the lower house. We could well end up in a situation in which the only regional representation for the people of Western Australia will be the seats in the lower house, and there will be fewer of them. In the case of several seats, the members may only be partly considerate of the needs of regional people because their time will be taken up worrying about the train line delays to Yanchep and the fact that the government has not been able to open the line on time or get the freeway done. That will be that particular member's concern, not just about trying to get education services into Central Wheatbelt or central Midlands and other areas of need in the areas outside of Perth.

This is an attack on regional Western Australia. It is not the only attack that we have seen from this government on regional Western Australia. During the first term of this government, one of its first attacks—one of the lowest acts we have ever seen from a government, certainly in my memory—was on the kids of Western Australia when it tried to shut down the Schools of the Air. That affected people in my electorate because the Meekatharra School of the Air is actually based in Geraldton and a lot of families in the northern part of my electorate are members of the Isolated Children's Parents' Association; they are schooling via these remote methods. To pick on an institution like that showed that the government has no concern for regional people. It does not understand what it is like to raise a family in areas like that. The Labor members in regional areas are obviously outnumbered, or they are not very effective in representing their regions; I do not know which is the case. For the government to come up with that as its signature policy immediately after the 2017 election was a disgrace. It was followed up with trying to shut down Moora Residential College. The current thing, along with what we are seeing here with regional representation, is its attack on St John Ambulance.

Mr T. Healy interjected.

Mr R.S. LOVE: We know that this government was never going to pay —

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Mr T.J. Healy: You spent all your royalties for regions money on slush projects and you disregarded Moora Residential College.

Mr R.S. LOVE: We actually funded Moora Residential College and your government took the money away. Moora Residential College had an allocation of \$8.5 million under the previous government and this government stripped it away in a low act.

Mr T. Healy interjected.

The ACTING SPEAKER: Thank you! Member for Moore.

Mr R.S. LOVE: Thank you.

Mr T. Healy: Four years as the member and you did nothing for Moora Residential College!

Mr R.S. LOVE: I got the funding for Moora Residential College, which you took away.

Mr T. Healy interjected.

The ACTING SPEAKER: Member for Southern River!

Mr T. Healy interjected.

Mr R.S. LOVE: Have you got \$8.5 million for any schools in your electorate? No.

Mr T.J. Healy: During the Barnett government, you got the money for Moora Residential College—is that what you are saying?

Mr R.S. LOVE: You cannot possibly sit there with a straight face and say words like that! Your government attacked regional kids. It is about as low as you can possibly get.

Mr T. Healy interjected.

The ACTING SPEAKER: Member for Southern River!

Mr R.S. LOVE: Now you are turning your attention to St John Ambulance. As I was trying to say before you opened your mouth —

Mr T. Healy interjected.

Mr R.S. LOVE: You can get up and have a go in a minute, if you like, member for Southern River. Get up and have a go, I do not mind. We could be here until midnight; I do not care less. I am happy to listen to you.

Mr T.J. Healy: I know you're ashamed of it.

Mr R.S. LOVE: You should be ashamed of yourself and you should be ashamed of your government for what it is doing to regional Western Australia. You should be ashamed of the continuing attack that we are seeing on regional Western Australia; Fisheries trying to get rid of the rock lobster fishermen off the west coast and Forestry getting rid of the forestry industry in the south of our state. What will be next? We know at the moment that St John Ambulance will be next. The government has that in its sights with the inquiry that is going on. The Minister for Health and the member of that union are calling to get rid of that contract. I know that when the people of Carnamah need an ambulance, they will not have a paid paramedic sitting there ready to take them. They rely on volunteers, and if the government removes the volunteer model and the ability for St John Ambulance to staff and support those volunteers, there will not be an ambulance service for regional Western Australia. There will not be anyone ready for when people dial 000 because it is an awfully long drive for paramedics to come from Geraldton or Perth to Carnamah or any other small centre within my electorate. Those centres have ambulances and are staffed by volunteers who put in a lot of time, effort, blood, sweat and tears to ensure that their communities have protection. The government is trying to take that away with its thinly disguised attack on St John Ambulance so it can get its union mates into a position in which they can have cushy jobs in a government-controlled enterprise. That is what the agenda is there.

The agenda of this legislation is an attack on the regions, again, so that there will be fewer voices in the future to stand up against the government's attacks. Remember the gold tax! That would have come in during the last term of government. The government wanted to hike up the gold royalties against the interests of the people in the goldfields, in Boddington and other places where gold is a major industry. The only reason that did not happen is that a group of opposition and crossbench MPs stood up to that bullying, but now there will not be anybody. Now we have to put up with three and a half years of seeing industries being decimated in regions, voices in regional Western Australia being silenced and regional Western Australia's interests being subsumed into the government's greed for more votes and more prestige in the city. It is a disgrace.

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DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [8.41 pm]: I rise to completely oppose the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. This is a disgraceful piece of legislation to bring before the Parliament. It is fascinating coming into this Parliament. I know that there are a few sober heads on the other side of this house and they must be ashamed, as well as some of the new members coming into this place, to see the behaviour of their ministers. The Minister for Electoral Affairs could not care less. He treats this entire process with disdain. He has no interest whatsoever in the debate.

Mr P. Papalia interjected.

Dr D.J. HONEY: The Minister for Police has no sense of propriety in the way that matters should be managed here. The Minister for Energy over there —

Withdrawal of Remark

Mr W.J. JOHNSTON: The member made an imputation against the Minister for Police. He cannot do that. The member has been here for quite a long time. He should understand that —

Mr V.A. Catania: Under what section?

Mr P. Papalia: Standing order 92.

Mr W.J. JOHNSTON: Standing order 92. He needs to understand the difference between saying that a person's behaviour is unacceptable and their intention is unacceptable. He cannot imply that the Minister for Police has an intention.

The ACTING SPEAKER (Ms A.E. Kent): I ask the member to remove that.

Debate Resumed

Dr D.J. HONEY: Thank you very much, Acting Speaker. I am talking precisely about the behaviour of the Minister for Police. He does not behave in a proper way in this place and as a minister should. The Minister for Energy was treating the Acting Speaker tonight with absolute contempt with his behaviour before in standing up and talking over the Acting Speaker. Why? It is because the level of arrogance on that side of the house is profound.

Members opposite have ascendant numbers in this Parliament. We know that.

Mr W.J. Johnston interjected.

Dr D.J. HONEY: I am not interested in the minister's comments. The minister's party lost a billion-dollar project for the state of Western Australia. The minister's lack of action and the lack of action of Hon Alannah MacTiernan in the other place —

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Order! Thank you.

Dr D.J. HONEY: The lack of action from the minister and the lack of action from Hon Alannah MacTiernan in the other place cost the state the most significant green energy project in Australia. They lost it for Western Australia.

Mr W.J. Johnston interjected.

Dr D.J. HONEY: You lost it. You did not do your job. You talk big; you act small!

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Minister!

Dr D.J. HONEY: You talk big; you act small, and that is arrogance!

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Minister!

Dr D.J. HONEY: It is arrogance and hubris. That is what it is.

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Order! Thank you. Hansard cannot hear.

Dr D.J. HONEY: We constantly see arrogance and hubris on that side. Members opposite think that they can do anything in this place. They will push the legislation through here. Even though members opposite have complete control of the numbers, they have cut the ability of members in the other chamber to speak by limiting the entire debating time of members in the other chamber to two hours just on the say-so of a minister. That is how arrogant

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the government is. That is how little it cares about this Parliament and that is demonstrated no more so than in this bill of so-called electoral reform.

It is an absolute disgrace because this legislation is based on a lie. The regional members in this place know that had they gone to the election with this policy, the overwhelming majority of them would not have been elected. The government definitely would not have 24 members sitting in the upper house if it had gone to the people of Western Australia with that. The Premier was asked seven times about this. The Premier said on each occasion that this was not on his agenda. It is a lie, members. Members who were elected would not have been elected if they had told the public of Western Australia the truth. They would not have been elected.

The Premier, through his statements, misled the people of Western Australia about the real intentions of this party, but it is evident from the speed with which this bill has come into the chamber. It is almost certain that the bill was largely written before there was any so-called committee. It is not only this side of the chamber that says that; respected political commentators and journalists in the state have said exactly the same thing. In an article in *The West Australian* of 16 September this year titled, “Labor seizes reform chance”, Peter Law states —

McGowan’s brief press conference was the latest example of his Government’s dishonest and underhand approach to an issue which impacts every West Australian.

That is what he had to say about your Premier—dishonest and underhand. He goes on to say —

The Government has no mandate as it refused to ever honestly answer questions about its aspirations for electoral reform during the election campaign for fear of losing votes in the bush. It’s now running scared from a referendum which would likely succeed, but also put the issue at the forefront of mind of regional communities.

That is what Peter Law has to say. A lot of members want to come in here and quote Peter Law from time to time, but what Peter Law had to say was that this was the government’s dishonest and underhand approach. I believe that he is entirely correct. It was dishonest and underhand. You think you can do anything. You are so arrogant. You sit back there smug. You gloat. You laugh. You treat the opposition on this side with contempt and derision. A little while ago, during the division in this place when there was some discussion across the chamber, the Minister for Energy was saying, “Where are you? I’m over here; where are you?” There you go. That is great. A bit of hubris and a bit of boasting from the Minister for Energy, which, as I said, is the hallmark of this government. I say that it marks the undoing of this government. Members can sit there and laugh and mock, but we will be saying a lot more than this, because that side of the house got many members elected under false pretences in this place, and we see the bogus reasoning. The Attorney General goes out into the public, then comes into this place and treats every member with contempt with the reasoning for this legislation. Antony Green is not exactly known to be a strong friend of people on this side of the chamber, but even Antony Green had this to say in his blog on his musings on elections and politics on 16 September. He asked a rhetorical question —

Are the reforms justified by Wilson Tucker (Daylight Saving Party) being elected from 98 votes?

In short, no. The government has been very cute in constantly referring to Tucker’s victory as justification. Tucker was elected because of group voting tickets. Without group voting tickets, the cascade of other party preferences that were sent Tucker’s way could never have occurred.

On this side, we have said consistently all along that we would support the government in getting rid of group voting tickets. On that matter, the government would have had unanimous support in this chamber—maybe not in the other chamber, but certainly in this chamber. Certainly, it would have had complete support from the alliance opposition.

Mr P. Papalia interjected.

Dr D.J. HONEY: The fact is that that is a complete ruse. That is just nonsense. I will go through this in a little bit of detail. What we have heard in the debate today is that, in fact, we are not going to see a collapse of micro-parties; we are going to see a proliferation of micro-parties in the other place. Maybe that is what the government wants. Maybe the government thinks that it can get out there and, as it is wont to do from time to time, get a single interest party on some particular issue, but I believe that that is going to make for chaotic legislation in this Parliament. We will have a proliferation of micro-parties, as we have seen in other states, because of the way that the government has gone about this. We look at this coming through and we see the unseemly haste. I know that the government is embarrassed about this. I know that all members of the government are embarrassed about this. They are so embarrassed that they do not want it sitting out there. They do not want public scrutiny of this legislation; they want to ram it through here as fast as they can. We are told that we are going to be sitting here until midnight or whenever, until we get to a certain point, because the government does not want us to —

Mr T. Healy interjected.

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

The ACTING SPEAKER: Member for Southern River!

Dr D.J. HONEY: The government does not want the public of Western Australia to sit there, see this legislation and have the opportunity to discuss it. It wants to jam it through this place. We heard the Leader of the House say today that he would guillotine this by Thursday and that whatever stage we are at with the analysis of this legislation, it will be forced through on Thursday. Why? What is the legislative imperative to ram this through this Parliament? What is it? Tell me the legislative imperative.

Several members interjected.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister!

Dr D.J. HONEY: Tell me the legislative imperative to ram this through this house. None of the members opposite can tell me the legislative imperative. I tell members what: there is lots of important legislation that has not been introduced into this house, but the government is going to jam this through. It has changed the rules in the upper house so that it does not even have the opportunity to debate this fully, as a house of review should. That is the whole point, but members of this government do not want a house of review. They are so arrogant that they will not even answer questions in this place. They do not think that they should have to answer questions. I see the indignation on that side when they get asked questions—“How dare they!”—because they are above reproach! But this whole process indicates that it is grubby and underhand. They have misled the public of Western Australia. That is what it is—grubby and underhand. The government treats the public of Western Australia with contempt, and it is so embarrassed by that, it is trying to ram it through here as fast as it can so that there is not scrutiny or analysis of that legislation. It is an absolute disgrace.

We know that regional representation is critical. I spend as much time as I can out in the regions. I grew up in the bush and I have deep empathy for the issues of people who live in remote regions. As I have mentioned a number of times, and I will keep on mentioning it, I have travelled literally from one end of this state to the other since I was elected as Leader of the Liberal Party. I will keep doing that so that I can listen to the people in those regional areas. What do we see when we go out into those regional areas? Consistently, in all those regional areas, we see disadvantage.

Mr W.J. Johnston interjected.

Dr D.J. HONEY: Minister for Energy, you have no credibility whatsoever on this. You are a senior figure in the government and you are part of this shoddy process!

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Minister!

Dr D.J. HONEY: He is part of this shoddy process—a senior minister. He paints himself as someone with great integrity, and he is part of this shoddy process. He misled the public of Western Australia at the start. The government misled the public of Western Australia at the start.

Mr W.J. Johnston interjected.

Dr D.J. HONEY: I am saying, minister, that you are part of a process that does not have integrity. We are witnessing it right now, in this place, in this Parliament. We are witnessing this right now.

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Minister!

Dr D.J. HONEY: As I was saying, I have deep empathy for regional Western Australians and the issues that they have, because they do not get the attention that they deserve. Their problems go unresolved. As I said earlier, the City of Geraldton was cheated out of the largest green energy project that Australia has seen promoted with sophisticated manufacturing, because this government ignored that regional area and did not make sure that it was the prime place for that investment. We look at all the key issues such as health or education. When we look at law and order, member for Pilbara, we see this government’s lack of priority in regional areas of Western Australia, because a tourist going to Broome has a better than even chance that their car is going to be stolen and burnt. That is what we see, and why? Because this government does not care. It does not care about the regions. It does not care about law and order in the regions.

Several members interjected.

The ACTING SPEAKER: Can we stick to the issue, please. Thank you. Member for Cottesloe.

Extract from Hansard

[ASSEMBLY — Tuesday, 12 October 2021]

p4234c-4290a

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

Dr D.J. HONEY: Absolutely. Thank you very much, Madam Acting Speaker. This government does not care about the regions. It does not care about law and order in Broome, or issues in Kununurra such as the lack of housing. The government does not care about that issue being represented. It does not care that the people in Mt Barker cannot build houses because the headworks are so expensive. It does not care about the major safety issues for people in Munglinup in which emergency service workers have been unable to get help and support because they do not have mobile phone coverage. The government does not care about those people and their concerns.

Mr J.R. Quigley: How come we've got more regional members? It's because those regional people all vote Labor.

Dr D.J. HONEY: Good point, Attorney General. The government does not care about the people in regional areas. Even more, it does not want them to have a voice in the upper house in the future. That is because it is seeking to implement a system, as the member for North West Central said earlier, that will focus all the electoral weighting and all the electoral power in terms of the upper house in metropolitan Perth. We will see the great majority of members drawn to Perth, because that is where they will have to go to get voted into Parliament. That is where all the micro issues will be raised. Whether it is people against logging in the forests, people who are worried about puppies, or people who are worried about some other micro issue, all those groups will be metropolitan-based and will appeal to metropolitan voters. They will not care about the critical issues in regional Western Australia. It is eminently clear that the Labor Party does not care about regional Western Australia. It is clear that the regional Labor Party members in this place—the members for Albany, Geraldton, Bunbury, Kimberley and Pilbara—and the Labor Party members of the Legislative Council have been covered into submission. They will not be standing up for their regions on this matter. The regional Labor Party members in the upper house could make a difference. If the Labor members of the Legislative Council were to oppose this legislation, it would not pass.

[Member's time extended.]

Dr D.J. HONEY: We will see how many of them stand up to oppose this legislation. The government knows that the overwhelming majority of those regional MLCs would not have been elected —

Several members interjected.

Dr D.J. HONEY: I am sure those members are empathising with the people in the regions. The great majority of the supposed regional representatives of the Labor Party in this place would not have been elected if this legislation had been known before the election. Those members in the upper house have a chance to show that they have not been covered into submission by the Attorney General or the Premier, and by the unions and the factions within the Labor Party, and that they will stand up and represent their regions by making sure that they defeat this legislation. It is in their hands. We cannot do it. If we could do it, we would. They can do it. This is their chance to stand up and be counted. I will say one thing with absolute certainty to those so-called regional members of the Labor Party in this place, and to those so-called regional members in the other place: we will be reminding the people in their electorates —

Several members interjected.

The ACTING SPEAKER: The member for Cottesloe has the call. Thank you.

Dr D.J. HONEY: We will be reminding the people in their electorates all the way through to the next election. They might think that they can play a little game now and jam this through before other important legislation —

Mr P. Papalia interjected.

Point of Order

Mr R.S. LOVE: I would dearly like to hear the member for Cottesloe, not the Minister for Police.

The ACTING SPEAKER (Ms A.E. Kent): Member for Cottesloe.

Debate Resumed

Dr D.J. HONEY: We will be reminding the people in their electorates all the way through to the next election about this betrayal of them. We said that the Labor Party was going to gut the upper house, and you know what? We were 100 per cent correct. The Premier denied seven times that the Labor Party was going to do that. That is what we will be reminding their electors about as we go through this. We only need to look at the horrendous health outcomes and the inadequate housing in the remote regions of Western Australia. I have travelled extensively through the Fitzroy River valley. I have travelled 1 000 kilometres along that valley.

Several members interjected.

Dr D.J. HONEY: The member for Pilbara is laughing. He is laughing about housing in the Fitzroy River valley. That is how much he cares. He is laughing about the appalling standard of housing in the Fitzroy River valley.

The SPEAKER: Can we have a bit of order. Thank you.

Extract from Hansard

[ASSEMBLY — Tuesday, 12 October 2021]

p4234c-4290a

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

Dr D.J. HONEY: The member for Pilbara is laughing when I express concern about the standard of housing in the Fitzroy River valley. I can tell members that that will be reported back.

Point of Order

Mr P. PAPALIA: Standing order 92 prohibits personal reflections in the absence of a substantive motion. The member is out of order. He is making a personal reflection on the member for Pilbara. That is not in order.

The ACTING SPEAKER (Ms A.E. Kent): Can we return to the issue and avoid personal insults. Thank you.

Debate Resumed

Dr D.J. HONEY: I will return to the issue. The issue is public safety. What we see in regional Western Australia, particularly in the north of this state, is a completely inadequate response by this government on the key issue of public safety. There are simply not enough options for early intervention in those areas. There is not enough support in those communities.

Look at vaccination rates. I am led to believe that in some of the remote communities in the north of Western Australia, vaccination rates are as low as eight per cent. In the Pilbara and the Kimberley, the vaccination rate is around 20 per cent.

Several members interjected.

Dr D.J. HONEY: What a shameful position that is. I hear it again. They are finger-pointing. They are saying it is the federal government's responsibility. No. The state government is in charge. The Premier has said that Western Australia will not be opened up until we reach a 90 per cent vaccination rate. It is very clear that we have no hope of meeting that target in six months, eight months or 10 months—none whatsoever. Why? It is because the Minister for Health and the Premier have not done enough to ensure that Western Australians are protected from COVID through an adequate vaccination rate. That is a complete failure of the government.

What will we see when we lose the specifically allocated regional representation in the upper house? That will all get worse. The people of regional Western Australia will not have a voice. Talk about the forgotten people. They will be the forgotten people. They will not have the representation that they have currently. At the moment, 18 people in the upper house are dedicated to representing regional Western Australia. That is 18 out of 36—half of them. The people of regional Western Australia have been given extra representation because of the considerable disadvantage and tyranny of distance that they face. This legislation will result in a substantial diminution of their representation. This bill is a complete betrayal of the people who live in regional Western Australia.

The Labor Party has a history of this, as was pointed out by the member for Moore earlier this evening. The government shut Moora Residential College. Those ministers who were sitting in cabinet at the time agreed to shut it down. I think they had some sort of weird view that only rich people went to that college. Anyone who had gone to Moora and talked to the people in that community would know that many of the most disadvantaged people in that community enjoyed the benefits of that college and the standard of education that it could give their children. We then had what I would call the Bambi act. It was the equivalent of the government saying that it was going to shoot Bambi and use Bambi for pet meat. That was when the government shut Schools of the Air. Schools of the Air was probably the most iconic educational institution in Australia. The Leader of the House, the Minister for Police, the Attorney General and the other ministers in cabinet in the former government voted to support that. It is clear that they hate the regions.

That brings me to the forestry industry. I hear the nonsense in this place. The government is going to shut down the hardwood forest industry. That is probably the most sustainable industry in Western Australia, bar none. The government has gone around with the myth that by planting some pine trees now, it will save those people's jobs. When those timber mills are closed, will those people get their jobs from saplings that are this high? We already know that there is a pinewood shortage in this state. It is a nonsense. The government does not have any idea. Anyone who had a modicum of interest in or knowledge of what happens in the regions and in the forest industry would know that the government is talking about something that is 20 or 30 years down the track in replacing that stock of wood. The government does not care about that. It does not care about the regions of Western Australia. That is the only reason it could make that decision.

The government also ingratiated itself with a populist policy of shutting the lobster industry. Thank goodness for the voices of the people in the regions, because that prevented the shutdown of that industry.

I turn now to the legislation itself. The deceit was compounded. The Attorney General said that a committee would review the legislation, but the committee told us that it was hamstrung from the start. What was the committee's first term of reference? It was not what is the best electoral system for the upper house, recognising all the issues in the regions—the tyranny of distance, the enormous social disadvantage and the concentration of social disadvantage in

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

certain remote regions of Western Australia. Consideration of all that and the access of people to proper representation through this Parliament was not included in the terms of reference—no. The very first term of reference was —

Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council;

The ministerial expert committee told us that it had no choice. It had to come back with a one vote, one value solution. The government could not care less about proper representation for regional Western Australia. This is an ideological position based on a city-centric party that does not care about the public of Western Australia. I will go to the bill itself and focus on a couple of key areas. One is based on the logic that somehow this legislation will end the tyranny of micro-parties.

Mr D.A. Templeman: You should know; you are one of them!

Dr D.J. HONEY: Even more arrogance from the Leader of the House who should know better. He cannot help it, can he? The hubris; the arrogance.

Mr D.A. Templeman: This is the most ridiculous speech I have ever heard. No wonder you are in trouble. No wonder the member for Vasse is breathing down your neck, just waiting for the chance to come along. She's there behind.

The DEPUTY SPEAKER: Minister!

Dr D.J. HONEY: If there is one person whom I respect in this place, it is the member for Vasse. She is a fantastic member of Parliament. It is a pleasure and a privilege to work alongside the member for Vasse. She is holding the government to account on the disgraceful job it is doing in health. What an absolute disgrace.

This legislation will spawn the formation of dozens of micro-parties. The Attorney General is introducing a voting system that will exhaust preferences through the system so that as the vote continues down the ticket, the quota will in fact be smaller because it will exhaust the pool of potential votes. It has been pointed out that a plethora of candidates will be elected to the upper house with a relatively diminishing small vote.

The government thinks that this will be to its advantage. It thinks that a lot of faux micro-parties will be there as stooges for the Labor Party. It thinks that it can somehow fool the public of Western Australia that those micro-parties will get in and support it. In fact, it will make it harder than ever for sensible decisions to be made in the upper house when many—there could be a dozen; it will certainly be a significant number—micro-parties are elected to the upper house.

This legislation is a betrayal of the people of regional Western Australia and all people in Western Australia. It is very clear that this government set out to mislead the people of Western Australia. It would not have enjoyed the election result that it received had it been honest with the people of Western Australia.

MR V.A. CATANIA (North West Central) [9.13 pm]: The Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, which we do not support but which is going to get through this house and the other place, is very misleading. We will go through this debate and members opposite are going to yell out and I am going to yell back, and we are going to say the same thing over and over again because we simply do not have the numbers. The democratic process in Western Australia has been thrown out the window. But I say this to members of the Labor Party: this bill sends a shiver down the spine of everyone in the business world. A shiver is going down the spine of everyone with projects in the pipeline or who wants to develop or put forward projects in this state. Why? I hope Labor members are asking why.

Mr D.T. Punch interjected.

Mr V.A. CATANIA: Why, member for Bunbury? It is because the government is arrogant and is changing legislation without consultation. We are sitting here early in this term—the first six months. That is why this legislation is going through. This is the traditional way second-term governments lose favour with the people. The government believes that it is untouchable and some left policies are starting to creep in. The Labor Party is controlled by the left and left policies are starting to creep in. In the first term of the government, the Labor Party managed to hold them at bay. The government did not realise that the pandemic would be its saviour. It influenced a lot of people's voting habits. It changed votes; we can all agree on that. It changed the way people voted because a lot of people were worrying about themselves and their health.

As we see these changes being made to the electoral system, changes to industries such as the forestry industry and changes to St John Ambulance, we should think of history. It should remind everyone what happened on 12 or 13 December 2017 when the government decided to axe the Schools of the Air. A revolt occurred not only in regional Western Australia. The government changed its tune and reversed its decision. The people of Perth know that the Schools of the Air is an iconic institution, much like the Royal Flying Doctor Service. It is absolutely vital

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to the people of regional Western Australia. The people of metropolitan Perth know how important these services are to regional Western Australia. What did the people of metropolitan Perth do? They got behind the people who utilise the Schools of the Air. Tens of thousands of people signed a petition and wrote to their local member of Parliament. We knew the Premier had a glass jaw. We did not hear from him for two weeks, but he was there with his spin doctors monitoring the situation and seeing how it would hurt the government electorally. After two weeks, the Premier returned from holidays, grumpy as buggery, and said, “We’re not doing it anymore.” He basically punished the Minister for Education and Training at the time.

Then we saw the fight over Moora Residential College, which reinforced matters with the people of regional WA and the people of Perth. Led by the member for Moore, the National Party and the Liberal Party worked together to ensure that Moora Residential College continued. The federal government came up with funding and we saved Moora college.

Mr T. Healy interjected.

Mr V.A. CATANIA: I am not taking any interjections.

The DEPUTY SPEAKER: Thank you, member for Southern River.

Mr V.A. CATANIA: There was the fight for the Schools of the Air, which the people of Perth got behind, and the fight to save Moora Residential College, which the people of Perth got behind. The government then wanted to cut the funding to community resource centres, but everyone got behind that. Community resource centres provide vital services that impact the lives of regional people.

Although we have seen funding cuts to hospitals and aged care in regional Western Australia, the political pressure that the community was able to put on the government made changes happen, such as the development of the new Carnarvon aged-care facility, but we are still fighting for Meekatharra Hospital. We have seen the reversal of the gold tax. The government said that it wanted to impose a gold tax on the gold industry. That would have absolutely decimated places like Kalgoorlie. The then Leader of the Opposition, Mark McGowan, stood on the steps of Parliament House with other Labor MPs wearing a yellow hat with “McGowan” on it and said that the Labor Party would not introduce a gold tax. What happened after it won government in 2017? It tried to introduce a gold tax. Prior to the 2021 election, the Labor government said that this so-called Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 was not on the agenda. We also saw that the government did not consult with the forest industry before it shut down that industry. The government has said that it will spend \$350 million on a softwood plantation, but it does not know where it can plant it. It takes 25 or 30 years to grow a softwood plantation! It is nonsensical to think that \$350 million will replace an absolutely sustainable industry.

Building costs are rising yet we will have to rely on getting our timber from overseas. Other countries do not have the same sustainability standards that we have in Western Australia. They just clear and burn. That is why the orangutan is endangered. We do not have that type of problem because our industry is sustainable. All the issues and fights that we have had tells industry and businesses that they cannot trust what the government says. They are asking themselves whether they are next. That is what industry is saying behind the scenes. Why will industry, apart from the local government industry that is thinking it is next on the agenda, not stand up? The local governments can see that local government reform is next on the government’s agenda. The government will try to reduce representation in regional Western Australia even further. When talking to businesses and companies, I hear that they are fearful of stepping out of line and criticising this government because they fear that the government will lock them out, bully them and ensure that they do not have a say on any future legislation or projects. The fear is out there, members. I cannot downplay this scenario any further; there is a huge amount of fear. The power that this government has and the uncertainty that it has created is influencing the decisions that are being made in the Labor Party. We are now seeing the left faction taking control of the party. The Premier thinks that he has control but, in true Labor Party fashion, the left will start to pull things out from the Premier. That is when we will start to see the government slide. This is a second-term government that thinks it has absolute control of both houses, which it does, and it has the control of big business because it is scared to say anything for fear of retribution and of being bullied. However, quietly, behind the scenes, the government’s domination is starting to be eroded.

This bill talks about electoral equality. I encourage all members to look at some of the submissions that have been received on this legislation. The first submission that I encourage members to read, particularly the members for Pilbara and Kimberley, is the submission from Dr Alexander Fullarton, who is from Carnarvon. He has sent an extremely detailed submission on electoral equality in the Legislative Council. The submission goes through how everyone talks about one vote, one value. I think that everyone believes in one vote, one value, as long as we are all equal. However, in regional Western Australia, it is not equal.

The member for Kimberley knows of the struggles across regional WA in housing, education, mental health and health in general, and the impacts on tourism from the COVID-19 pandemic, the lack of workers and the cyclones.

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[ASSEMBLY — Tuesday, 12 October 2021]

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Regional Western Australia finds these things challenging because we are not equal. Regional Western Australia is remote and is at the whim of the environment. The level of investment that has occurred over time in housing, health, education, and law and order is not the same for people in the regions as it is in the metropolitan area. Nurses, doctors, police and teachers are often paid more to get them to regional Western Australia. They are paid more because the services are not there and they are sent to remote locations. It is hard to get volunteers to man the ambulances to save people's lives. They are the differences in regional Western Australia compared with the Perth metropolitan area. They are very different.

We hear about one vote, one value and that this bill is about electoral equality, but it is not. My own electorate is 860 000 square kilometres. It is the largest electorate in this place. To go from one end to the other takes 17 hours from the coast to the border of the Northern Territory and to South Australia. The roads are not sealed either. Often they are commonly known as goat tracks, and for very good reason. People have to take several tyres, jerry cans and emergency kits with them in case they come across someone who has had an accident or they may be involved in an accident themselves, given the terrain they are in. It is vastly different from metropolitan Perth. It is not like some members opposite who may take five minutes to run around their electorate. It takes me two months to service my electorate in a proper manner, and that involves traveling 140 000 kilometres a year just in a car; it does not include flying.

When we talk about being able to service a community, it is hard enough to do that at the moment as it is because the electorates are getting larger. The argument has been put that we have phantom voters in the regions. What is the alternative? Would the member for Pilbara like to have my seat included in his seat to see how he can service that electorate all the way from Hedland to Kalbarri to the Northern Territory and to South Australia? Does he think that would be fair on him? Does he think it would be fair on the communities that he has been elected to represent? It is hard enough for people who live in communities such as Wiluna, Meekatharra, Cue, Mount Magnet, Sandstone, the lands of Ngaanyatjarra, Warburton and Warakurna to see their member regularly because of the distances involved. The government has introduced this legislation that says everyone can be elected from the centre of Perth. I challenge the upper house members who represent the Mining and Pastoral Region to go around their electorate and represent their communities now, let alone when they are centred out of Perth.

It is just nonsensical; it just will not happen. I encourage members to read Dr A.R. (Lex) Fullarton's submission, which goes through it in detail. Tax laws are different for the north of the state. Our tax laws recognise that there is a difference in the north of the state. The government itself recognises that there is a difference when it employs police officers, nurses and so forth, with the district allowance to entice people to take those jobs that are vital to the community but that regional towns struggle to fill because they do not have services. Those services are health, education, law and order, roads, cafes, hotels, shopping, clothes, shoes—you name it. They are things that we take for granted. All are difficult to get in many regional towns, so to say that we are equal is not correct.

[Member's time extended.]

Mr V.A. CATANIA: The other submission that the Leader of the Opposition brought up was that of former Senator Andrew Murray, which is another very good submission detailing the differences between regional Western Australia and the metropolitan area and how we are not equal. I encourage Labor members to read it, which they will not, and I know because I have been in their party. One reason I left the Labor Party was exactly this: its dismissive behaviour and arrogance about regional Western Australia and its issues. Reducing the voices of those in regional Western Australia has been tried many times over. Like I said, what is next, members? Labor members cannot see this, because people out there are saying, "How wonderful; you are keeping us safe." But do members know what? There are surrounding issues of health, education, housing and, now, electoral reform. There is the review into St John Ambulance systems. They are vital for our regional communities, but the government wants to take them over to placate a union. I say shame on Labor. Surely Labor members have some understanding of how vital those services are.

I remember attending a right-faction Labor dinner back at a national conference in my early days in the Labor Party. Bob Carr, the former Premier of New South Wales, spoke. There were a lot of greats there. There were Paul Keating and Senator Richardson—all these people you saw on TV. I was only young and I was listening to Bob Carr speak. He said that the left of the Labor Party thinks it controls the party because it has the sail. It has all the wind, and the wind keeps on pumping it up to make it think it controls the Labor Party. But he said the right had the rudder and it guided the left. Clearly, in the Labor Party at the moment the left has not only the sails, but the rudder. That is a recipe for disaster. We have seen it before. Once the left holds that rudder, we see policies like we are seeing now—electoral reform that is no reform. It just takes away regional representation, which the Labor Party wants. What the Labor Party says behind the scenes, and what it said in 2005, is, "How do we get rid of the National Party?" That is what it is all about: getting rid of the National Party. I know that. I know how the Labor Party operates better than three-quarters of the new Labor Party members in this place. I have been there, I have seen it and

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I know how the Labor Party operates. The operation of the Labor Party is now taking away democratic process, which will have severe consequences.

I go back to industry and interest groups. Anyone who has issues is fearful of what the Labor Party will do next. If they go through the handbook and the policies of the Labor Party, they will look to see where their industry sits, because they will be next. That is the fear that is being felt. That is what industry is talking to us about. Things are starting to slide when industry and everyone start to talk to the opposition and tell us about problems and how a minister has bullied them and another minister has just done this or that without any consultation. They say that they are too scared to say anything and ask us to take it up for them. We are now starting to see that, and that is the decline of the Labor Party in the second term. It is not only the Labor Party that falls into this trap; many second-term governments fall into the same trap. Governments do not know that. They think they have all this credit to burn, but it is starting to slowly erode.

I look at the member for Albany and the member for Pilbara. Who knows? In 2025, the member for Pilbara and I could be fighting against each other, because through this legislation the government will try to get rid of the seat of North West Central.

Mr K.J.J. Michel interjected.

Mr V.A. CATANIA: I cannot wait to take you on! I cannot wait, because they are not going to call me the “king killer”—no way! They can call me the “joker killer”, because that is what they say about you! When you support legislation like this, you are the joker!

Point of Order

Mr D.A. TEMPLEMAN: Mr Deputy Speaker, I think the language used by the member is impugning the reputation of the member for Pilbara, and I think you should rule on that.

Several members interjected.

The DEPUTY SPEAKER: Minister for Police and member, thank you. There is no point of order, but the member will direct his comments —

Mr P. Papalia interjected.

The DEPUTY SPEAKER: Minister for Police!

Debate Resumed

Mr V.A. CATANIA: I am sorry, Mr Deputy Speaker, because I got it wrong. It is not the joker; it is a jester! It is a jester that I am going to come after.

Mr K.J.J. Michel interjected.

The DEPUTY SPEAKER: Member for North West Central!

Mr V.A. CATANIA: Member for Pilbara, when you vote for this legislation, you vote to take me on, and I cannot wait to take you on, because everyone is saying, “Vince, come up to the Pilbara.”

Mr K.J.J. Michel interjected.

The DEPUTY SPEAKER: Member for North West Central! Member for Pilbara!

Mr P. Papalia interjected.

The DEPUTY SPEAKER: Minister for Police, I call you for the first time. You do not keep talking when I am on my feet.

Ms S. Winton interjected.

The DEPUTY SPEAKER: Member for Wanneroo, I call you for the first time as well. This is not a place to have a shouting match, thank you very much, both of you. Member, direct your comments through the chair and do not antagonise the government and invite interjections. That is not going to get anyone anywhere.

Mr V.A. CATANIA: That is right, Mr Deputy Speaker. I have had Karratha in my electorate before and I cannot wait to get it again, because the people are saying that they need someone who is going to represent them. I go back to the protest that we had in front of the member for Pilbara’s electorate office on, I think, 15 December 2017. We had a rally and we had 100 School of the Air parents and kids turn up. The member for Pilbara asked whether he could say something and I said, “Absolutely, please. Here is the microphone.” The first thing he said was, “There are going to be more cuts and more cuts and more cuts!” Do members know what? He was right. The Labor Party still has not stopped cutting. On my phone I have this little snippet of the member for Pilbara saying,

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“There are going to be more cuts and more cuts and more cuts.” Do you remember that, member for Pilbara, because everyone else does!

I will go around. I know that the member for Kimberley is a good person. I know that she will stand up for an electorate that is nearly as difficult to get around as mine. Some of those issues that exist in the Kimberley region are extremely difficult. If members think that the people of Perth are equal to the people of Kimberley, they should vote for this legislation, but if they think that the people of the Kimberley are not as equal as the people who live in Perth, I say, “You know what? Stand up for your electorate and come and vote with us.” That is what I say, member for Kimberley.

I do not know some of the members here, but the member for Warren–Blackwood has chopped her electorate in half. She has cut the electorate at its knees. The people in her electorate were clearly not aware of what a Labor government was going to do to a very important and sustainable industry. It is going to get rid of native forestry logging and take away their voice, which will absolutely punish the member for Warren–Blackwood. I do not think the member for Collie–Preston is here, but someone like Mick Murray, the former member for Collie–Preston, would actually stand up and say in the caucus words that I cannot repeat here. He was a champion of Collie who would stand up even against his own Labor Party. Let us see whether the member for Collie–Preston will follow the footsteps of the legendary Mick Murray who would always stand up for Collie. The member for Geraldton is not here. I will not say anything other than this is a good test for the new member of Parliament to support her electorate. Then there is the member for Bunbury. We all know that he is retiring at the next election, so he will just follow suit.

Withdrawal of Remark

Mr D.T. PUNCH: That is a thoroughly ageist comment and I would like you to ask him to withdraw the comment.

The DEPUTY SPEAKER: It is a good question. I will take some advice on that.

Mr V.A. CATANIA: You are kidding me!

Mr T. Healy interjected.

The DEPUTY SPEAKER: Member for Southern River, I do not need your input, thanks. There is no point of order. Carry on.

Debate Resumed

Mr V.A. CATANIA: That is right. The member for Bunbury knows he is going to retire. That is why he took on the fisheries portfolio, because he wants to go fishing in his retirement. We will not get the member for Bunbury to stand up for his electorate, because he will retire in 2025.

What is concerning is these members in the other place: Hon Jackie Jarvis, Hon Peter Foster, Hon Sandra Carr, Hon Dr Sally Talbot, Hon Kyle McGinn, Hon Darren West, Hon Shelley Payne, Hon Stephen Dawson, Hon Alannah MacTiernan and Hon Rosie Sahanna. Are they going to vote to get rid of their jobs? That is what they will be doing. They will get rid of their jobs, but, more importantly, they will get rid of the voices that they are meant to represent. The Mining and Pastoral Region members particularly know how difficult it is to get around their electorates. Unfortunately, we are seeing the fear that exists in Labor Party members if they go against what the powers that be tell them to vote for. That is what it comes down to. There is no representing their communities because they represent the factions and this Premier of Western Australia, Mark McGowan, who is on an ego trip like no other leader has ever been on. He thinks he has control of the Labor Party. Let me tell members: his time is ticking because in true Labor Party fashion, the left, which has control of not only the sails, but also the rudder, will take away that leadership because some members see themselves as a future Premier and future ministers. They are going to ingratiate themselves by voting for legislation that will take away regional representation. More importantly, industry, businesses, community groups and organisations are fearful of what members in the metropolitan area are going to do to them. This is the start of the rot of the Labor Party and this is when we will start to see the traditional two terms of government. This legislation is the hallmark of the start of a two-term government.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [9.45 pm]: I rise to back up the comments made on this side of the house and also to oppose the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 presented here. This bill endorses and ingrains regional disadvantage, and has a simplistic notion of equality that entrenches disadvantage amongst already disadvantaged communities. The reality is that there are fewer people in the country, which will mean fewer voters who will not want to overcapitalise on those votes. It will mean less infrastructure and fewer services and jobs going forward, while also stripping political representation from remote Indigenous communities. We will be taking away their regional voice and giving it to the people in the city. We already know that regional areas with non-Labor members of Parliament have to fight particularly hard to receive extra funding for critical infrastructure and they are often overlooked.

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Mr D.T. Punch: You did pretty well with the Busselton jetty.

Ms L. METTAM: It is fair to say that in the first budget, when the McGowan Labor government came to power, the electorate of Vasse was not even a mention.

Mr T.J. Healy: That is not —

Ms L. METTAM: What would you know?

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms L. METTAM: In the very first 2017 budget were the Cities of Bunbury and Albany and the Shire of Collie, which has this so-called slush fund, according to the Minister for Housing. The City of Busselton was not even a mention. In fact, in that very first budget we saw significant and very cruel cuts to that fast-growing regional electorate. We saw cuts to independent mental health funding for some of our most vulnerable and we saw proposed cuts to the community resource centre.

Mr D.T. Punch: Those were proposed cuts —

Ms L. METTAM: That is because we fought against it.

Along with other regional members and regional communities, we fought and opposed the regional education cuts, which the member for Kimberley and the ministers of this place and the other place proposed. The cuts to regional community resource centres and education, and the most cruel cut of all, the proposed cut to Schools of the Air were an extraordinary display of what a McGowan Labor government is willing to try to get away with. On the back of an extraordinary victory we are seeing that arrogance, that metro-centric approach all over again, with a brutal bill that will cut and effectively remove regional representation. It will dilute the voice representing some of our most vulnerable and remote regional communities. Members can stay in their West Perth offices and totally ignore anyone outside city bounds.

The timing of this bill is extraordinary as well. There are many in this place who have already touched on that.

Ms S.E. Winton: Not many. There's a few of you.

Ms L. METTAM: There is the arrogance once again. The member may mock us on our number, but we stand here representing our constituencies. We are standing here representing the electorates of Vasse and Cottesloe and other regional communities.

Ms S. Winton: You do not represent the majority of the regions, do you?

Ms L. METTAM: Once again, we are seeing this arrogance. It is not about the majority; it is about fairness. It is about ensuring that our most vulnerable regional and remote communities also have fair access to government funding. It is about safe roads and safe infrastructure. It is about addressing important telecommunications issues and important regional health issues. The reality is that it is difficult. A system of voting equality would be all right if there were equality in terms of vital infrastructure right across this state. The truth is that that is just not the case. The truth is that when it comes to business cases in regional WA, they will never stack up in the same way that a business case for a project in a city area stacks up. It will never stack up in terms of demand, but that does not mean those projects are not vitally important because of the benefits they bring.

Earlier, we touched on the Busselton Margaret River Airport expansion project. The former Minister for Tourism called that project a pup. We know that regional aviation projects are ambitious. The reason that they require government funding, the reason that the royalties for regions program is important and the reason that regional communities deserve a fair voice in this chamber and in the Legislative Council is that when governments, with the assistance of communities, can pull off such projects, the benefits are significant. The benefits also support a greater population of people outside the metropolitan boundary. That is a worthy goal. We are also talking about significant disadvantage.

I touched on the timing. It is astounding that during a global pandemic, when the health system is on its knees in the middle of a health crisis and we have heard that one in three health workers do not feel safe in speaking up about their workplace, the government quite clearly has other priorities or should have other priorities on its hands. Only 47 per cent of health workers say that they feel valued in the workplace. The government's own survey illustrated the lack of support our health workers feel in our hospitals and across our health system. The skills shortage is so pronounced that some small businesses, particularly in regional WA, are closing their doors, yet the number one priority of the Labor government at this time is to introduce and rush through this legislation to change regional representation and further dilute those voices that it is ignoring across the regions. It has taken that opportunity to garner political advantage at the cost of real fairness. As I said, the timing is astounding. It is at a time when we are seeing significant issues with the lack of preparedness in response to COVID-19 for if and when it

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comes into the community of WA. Consistently, WA has the worst vaccination rates in the country. Vaccination rates have lagged by 20 per cent over the last month. The usage of the SafeWA app—another important tool in response to COVID in the community—has halved since April, with the downward spiral continuing. In our hospitals, we have the least number of available public beds in the country to respond to COVID, when it comes into our community. In the month of August, patients waited in ambulances outside hospitals for 6 500 hours. That is five to six times what a Labor opposition health spokesman had called a horror story. This government has its priorities all wrong. The government has cut next year's Health operational budget. The government has no clear plan on the way forward about when our border will actually open and what the target vaccination rate will be.

Quite clearly, this government has its priorities all wrong. The priority of the government at this time is to use this wave of popularity our Premier has received during the crisis and turn it into political advantage. He has turned it into political advantage to see in a bill that has been talked about and been a dream of the Labor Party for 120 years, according to our Attorney General. The health of our people should be the government's priority, as should managing a clear plan. Another priority should be ensuring that our hospitals are safe and able to cope with the number of patients who are presenting at our hospitals. Our health workers should be a priority. Unfortunately, this government is more interested in its political advantage and the arrogance of a metro-centric government and a Premier who has put politics ahead of fairness.

This government fails to understand that regional WA has acute social and economic issues, together with limited services. It is vitally important that these regional voices are properly heard. That is in the interests of fairness. We have already seen a number of issues ignored. I have touched on some of them. We touched on Schools of the Air, the cuts to regional education and the proposed introduction of the gold tax. Just last week, we heard about the ongoing challenges in the East Kimberley in the health portfolio—issues relating to a shortage of nurses and what has been described as the imminent service failure in hospitals in the East Kimberley as a result of a lack of focus or attention on this area. When I spoke to the ABC in the Kimberley after it had spoken to doctors and nurses and locals, it was extraordinary that it was not able to receive a comment. No comment was made available via a minister or the Minister for Health. It was obviously not important enough. Health workers are pleading for nursing staff to help fill workforce shortages in the East Kimberley area, especially at hospitals in Fitzroy Crossing and Wyndham.

While the Premier is shadow-boxing on GST issues that are already in place and not changing, Wyndham hospital staff are experiencing a significant number of break-ins at their accommodation. Health workers are feeling unsafe in not only their workplaces, but also their accommodation. I have already touched on the fact that, according to the most recent health workers' survey, only 47 per cent of our health workers feel valued in the workplace and only one in three feel comfortable in speaking up or feel that it is safe to do so. In Wyndham, the nurses fear for their safety on a whole new level because the staff accommodation has been broken into. In response, WA Country Health Service said that it would introduce some overnight security guards and fencing, but that raises the question why this was not already in place and why this was not a priority of this government. It again underlines the importance of ensuring that there is proper regional representation, that the government cares about the regions and why it is so vital that regional voices are not further diluted. That is why I oppose this bill, which puts politics ahead of fairness and entrenches disadvantage amongst already disadvantaged communities.

Warburton is another example. Water issues are affecting the health of 500 Indigenous Australians as a result of damaged water pipes in the Warburton community. I quote from an article —

“The Department of Communities does not have the capital funding at this time to replace the water reticulation main in Warburton, which is estimated to cost \$3 million —

That is what a boffin from the department said —

... “We are continuing to explore funding options.”

The government has a \$5.6 billion budget but it does not have the funds to spare to address the health and wellbeing of this community. According to the local shire president, issues have repeatedly been raised about fears that toxins could be contaminating the water in this community and microbes such as E. coli are leaking into the drinking supply. The community has been pleading for some time for this government to address this issue, and the response has been that it does not have the funding available and it will continue to explore funding options. That is not good enough. By this government's measure, it is not important because it does not affect that many people. The Liberal and National opposition believes that it is an issue of fairness.

[Member's time extended.]

Ms L. METTAM: We believe that the communities of East Kimberley and Warburton and the communities across regional WA deserve to have fresh drinking water, safe staff accommodation, health facilities that are up

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to a reasonable standard and, importantly, have such issues raised commensurate with need and fairness as opposed to the number of people in a particular electorate. That point, again, underlines why I oppose this bill, which will put politics ahead of fairness and entrenches disadvantage amongst our already disadvantaged communities.

We have already heard from this corner of the house and others that there is no mandate to do this. It was a shock announcement made shortly after the election and came with no mandate to do so, given the Premier had denied that this issue was on the agenda not once but seven times in the lead-up to the election. When the Premier was campaigning in Albany, he said —

“It’s not on our agenda—I’ve answered this question many times ...

...

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

How wrong and how false that statement by the Premier was. It is quite clear from such commentary and from the fact that there was no mandate to do this that the arrogance of the McGowan Labor government knows no bounds. This is all about achieving, on the back of political windfall, a ruthless political gain that will strip regional WA and some of our most vulnerable communities from having a fair voice and a fair hearing on the issues that impact them so much.

Under the previous Gallop government, we saw the removal of six regional Legislative Assembly seats and we saw them put into the metropolitan area. This latest move will see the removal of the regional boundary for the Legislative Council with 37 seats across the whole state, delivering on what the Minister for Electoral Affairs stated has been on the Labor Party’s agenda for 120 years. No longer will the upper house members represent distinct regions in this state; instead, they will just represent their own political parties, and that is what it is all about. The Legislative Assembly and the Legislative Council were never meant to be the same. We already, effectively, have equal representation in this house. The Legislative Council has represented six legislative regions and this means that issues such as skills shortage, regional education, health and other issues that uniquely impact our farmers will not have as much of a voice when heard in Parliament and government circles.

In relation to group voting tickets, Hon Wilson Tucker of the Daylight Saving Party was elected on the back of a preference deal and 98 votes. It has, effectively, been a cover for what has clearly been a massive overreach by the McGowan government. The issue of ticket voting can obviously be dealt with separately. We, on this side of the house, have been very up-front about that. I am aware that Hon Alison Xamon, a former Greens member, had proposed such a bill under the previous government, which had our support. We are supportive of group voting tickets and what that represents. Federally, we have seen this issue be addressed without affecting the proportional system, but, of course, this bill goes further and, again, puts politics ahead of fairness. Clearly, this issue has been the Trojan horse for a political power grab and the removal of regional representation. It is a simplistic notion that entrenches disadvantage amongst already disadvantaged communities.

The Ministerial Expert Committee on Electoral Reform was charged with looking into electoral reform, which, effectively, gave the government the outcome that it was seeking. Not only did the very narrow terms of reference about equality of the electoral system point to this outcome, but also all members of the expert panel had previously been on the record stating that they support one vote, one value or a system as such that would be introduced. Malcolm McCusker was very clear about what the terms of reference stated and how the committee had limited options but to recommend anything other than a whole-of-state approach to achieve voter equality.

There were a number of submissions made to that committee, and a number of submissions have been referred to in this debate. I refer to Antony Green’s submission once again, which I touched on earlier in the debate. He states in his submission —

If ‘electoral equality’ is measured by where votes are cast, then clearly a state-wide electorate will provide greater electoral equality.

However, it is my view that there are serious problems with electing 36 Legislative Councillors from a state-wide electorate. Even if the Council is reverted to staggered terms with 18 members elected every four years ...

The submission continues —

It is my view that geographic equality can be approached with a well-designed region based electoral system. The question is, how to align these regions with lower house districts by formula without tying the state into the rigid districts in regions model that Victoria has adopted.

Quite obviously, even with the so-called equality that this government is talking about, that could be achieved.

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The Leader of the Liberal Party has also touched on the fact that with the quota of votes getting smaller, we are likely to see a greater capacity for micro-parties—basically, the potential for horsetrading on sensible decisions in the Legislative Council, which can also lead to a range of unintended consequences. That is one of the many reasons that we moved a reasoned amendment, which was to look at what the other intended consequences of this bill would be and particularly the impact it would have on some of our most vulnerable communities. Of course, this government is not interested in that. This is a government that has the arrogance to not only introduce this bill in the first place, but also do its best to rush it through. That is because, quite obviously, members opposite should be ashamed of what is being presented and what it will mean for some of our most vulnerable communities. We will continue to see Labor not support regional WA, and this is one of the most brutal examples of that.

As a regional member of Parliament, I have a deep appreciation for the challenge in ensuring that the unique needs of electorates in regional WA are heard by government. There are issues around social disadvantage and challenges in ensuring that there is fair investment in our regional roads. Our population has the right to drive on safe roads, and, over recent years, the tragic road toll has had a big impact on our regional communities. There are telecommunications needs and the role that they play in connecting remote communities. Being connected is important for economic and social reasons, but it is also vitally important for the mental health of many farmers and families who are relatively isolated across regional WA. There are challenges for communities that rely heavily on telehealth for health services, as well as our hospitals, which have been run down by this government, as well. These issues are important and should be important for every government. They are vitally important in the interests of our state.

We have seen the Premier go to great lengths to support the mining industry through the pandemic, and rightly so, but we have not seen the same level of support extended to our farmers and the agricultural sector. Opportunities to recruit skilled workers to support our farmers with a record harvest have been ignored. That is just another example. Tourism, hospitality and other businesses that support the south west area and economy have been forced to shut because the government did not prioritise measures to support that workforce. Furthermore, this government has introduced a range of cuts, such as the regional education cuts, which I have touched on, and the proposal to nationalise the lobster industry. Although comparatively not large in number, these regional families deserve to have their concerns raised in response to government decisions or challenges.

The removal of regional representation is a move that will disenfranchise and challenge not only the most remote but all regional communities. It puts politics ahead of fairness, it removes regional representation, and it strips and further strips a voice for our Indigenous communities. It is a decision that was made and has been delivered with no transparency, no integrity, and all the hallmarks of an arrogant Labor government.

MR P.J. RUNDLE (Roe) [10.15 pm]: I rise to add my contribution to this very ordinary —

Mr J.R. Quigley interjected.

The ACTING SPEAKER (Mr D.A.E. Scaife): Attorney General, the member for Roe has the call.

Mr P.J. RUNDLE: Thank you, Mr Acting Speaker.

As I said, I rise to add my contribution to the debate on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, which is a very mediocre result for the people of regional Western Australia. This government will go down as the cut first, consult later government of Western Australia—cut first, consult later. We saw it in 2017 with its decisions about Schools of the Air, Moora Residential College and the agricultural education farm provisions trust. It even took on Perth Modern School. Many great Labor Party members went to Perth Modern, but, no, the government decided to relocate it to a high-rise building in central Perth. The government had absolutely no idea of the rebellion that its decision would cause, including amongst some heavyweight Labor members. Those are the sorts of short-sighted decisions that we have seen. The recent decision to ban native forest logging topped it off. The government appealed to the inner-city green voter over and above its regional constituents, such as sawmillers, who are working hard in communities such as Manjimup and the like. They are out there doing the right thing. As the member for Cottesloe mentioned, the government thinks that it can plant some pine trees on land that it has yet to acquire and somehow create hundreds of jobs within a year or so. Pine trees take a long time to grow. There is a real lack of understanding in this government about how regional WA works and, as I said, its motto is to cut first, consult later.

As I said earlier in my contribution to the debate on the reasoned amendment, this is meant to be the Parliament of Western Australia. I assume that after the Attorney General rams through this legislation with the assistance of government regional members in both the lower and upper house, he will tell a sign-writer, “Change that. This is the Parliament of Perth” because we are moving towards a Parliament of Perth, a Parliament of the metro area.

The people of regional WA have been deceived. The Premier said that electoral reform in the upper house was not on the agenda. He said that to Dan Mercer seven times and he also said it in the leaders’ debate. He said it to not only

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the people of Albany, Dan Mercer and the ABC audience, but also everyone in Western Australia, “This is not happening. It’s not on the agenda. This is a Liberal and National smokescreen.” Here we are with electoral reform of the upper house as the first order of business. As Peter Law wrote in the *Midwest Times* of 12 May 2021 —

I’d argue politicians who mislead the public before an election are also guilty of harming trust in our democracy.

He is absolutely right. The Premier has taken it upon himself to dictate an outcome from which he and his party will benefit without the mandate of the people of Western Australia. It is dishonest and it needs to be called out for what it is. It is a reflection of the party that he is leading. As the member for North West Central said, it is a reflection of the ego and the ego is out of control. It is the start of a new term of government and there are many issues to address, such as the COVID-19 pandemic and the deepening crisis in the health system, which, as the member for Vasse consistently points out, continues to intensify with ambulance ramping hours that have never been seen before; a housing shortage that has been exacerbated by the Minister for Housing; a water crisis in much of the agricultural region around the election time; the impacts of bushfires around the state; and labour shortages, which continue to grow and will be a lasting legacy of this government. Indeed, many sectors—tourism, hospitality and agriculture—are being affected by labour shortages.

Today we heard that after 11 weeks of the dispute between the Maritime Union of Australia and Qube Ports Pty Ltd, the Minister for Transport finally wrote a letter to the Fair Work Commission.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister for Police!

Mr P.J. RUNDLE: One of the farmers rang me the other day. He was very unhappy. He has three harvesters on a ship that is heading to Melbourne. Who will pay for those harvesters to be transported back to WA? I bet it will not be the MUA; it will not be paying for the cost of the transport.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister for Police, I am not interested in any further interjections. I would like to hear the member for Roe in silence. We are going to get through this debate in an orderly fashion. I will hear from the member for Roe.

Mr P.J. RUNDLE: Thank you, Mr Acting Speaker. I appreciate that.

The MUA will not be paying to transport that farmer’s harvesters back here three or four weeks late for the start of harvest. He is out there swathing his canola and he should be ready to harvest in a fortnight. What is going on? The MUA has been in a dispute with Qube for 11 weeks. Finally, we will see a letter from the Minister for Transport.

I turn to some of the other pressing issues on which we needed to see some action at the start of this government’s four-year term. The mega-departments are totally ineffective. We have seen all sorts of strife with those. We have ministers with too many portfolios, our vaccination rates are the lowest in the nation and there is a sense of confusion from people who want to get vaccinated. I cannot believe that this legislation is the first order of business that the Minister for Electoral Affairs wheeled out after the election. On the first day that we came back to Parliament, he announced that he was forming a subcommittee and that electoral reform was on the government’s agenda. That is a real disappointment.

As I pointed out earlier this evening, 184 submissions were made to the Ministerial Expert Committee on Electoral Reform. To be honest, most of it is already wrapped up. As the eminent Malcolm McCusker pointed out when he gave us a briefing earlier, he was unable to take a lot of these contributions into account because the terms of reference required the committee to examine how, not whether, to achieve electoral equality. The report does not engage with those arguments. When I look through the list of 184 submissions, I see all our regional shires listed, and people such as Trevor Prowse, Andrew Murray, Julie Freeman, Allan Marshall, Jane Fuchsbichler, Jenny Pitman, Peter Robins, Colin Nicholl, Brian Mayfield and Marg Agnew. All these people sat down and put in a genuine submission in the interests of regional WA and in the interests of equity. Basically, Malcolm McCusker said that, unfortunately, due to the terms of reference, the committee would not take any of those submissions into account. As far as I am concerned, that is not good enough.

Andrew Murray pointed out in his submission —

The Government has not asked the Committee to consider *whether* electoral equality *should* be achieved. It obviously thinks it should, because the Government has jumped that step and asked the Committee *how* to achieve it.

...

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The Committee is not a cypher. It is not constrained from examining the ‘*should* question’, and in my view cannot consider the ‘*how* question’ without first dealing with the ‘*should* question’.

Andrew Murray, for those who are not aware, was a senator in federal Parliament. He was also a Rhodes scholar. He knows plenty about electorates and the regions. Andrew Murray was chairman of the Regional Development Trust, as the member for Bunbury knows. He certainly is an eminent Western Australian who understands the electoral system and, as I said, he is a Rhodes scholar. In his submission he points out that the Attorney General’s terms of reference could have asked a question about whether electoral reform and electoral equality should be dealt with rather than just about how it is going to be done. That is the first thing that upsets me when I look at the submissions and the amount of work that people have put into them.

There was also a submission from the Mayor of the City of Karratha, Peter Long. He expressed strong opposition to the legislation and said that it is a contrary approach to the bicameral system of government in Australia. He points out —

In the Commonwealth of Australia, the lower house forms government and enjoys the powers and responsibilities that involves. But to protect the disparate States and the enormous, sparsely populated regional areas, which suffer lower outcomes on nearly every liveability scale, the upper house—the Senate—is given equal representation for each State.

Thus, Tasmania, with currently half a million people has the same number of senators (12) as New South Wales with 8 million people. Tasmania’s upper house has 16 times the per-person voting power as New South Wales. Yet this system works: we don’t see disproportionate advantage given to our smallest State.

That is quite interesting. I have not heard the Premier, the Attorney General or anyone from the other side mention anything about the fact that they would like to see the Senate change to equal the scenario in Western Australia. It is quite bizarre in a lot of ways. The silence on the other side is deafening.

Mr D.J. Kelly interjected.

The ACTING SPEAKER: Minister for Fisheries, I call you to order for the first time.

Mr D.T. Punch interjected.

The ACTING SPEAKER: Sorry, Minister for Water. Minister for Water, I made my position on interjections quite clear.

Mr P.J. RUNDLE: The silence is deafening. It is amazing how, funnily enough, it is fine for regional Western Australia to be limited in this way. But that is not a problem for the Premier. He gets up and talks about the GST and the fact that we are being attacked by New South Wales. He talks about borders and that it is not right, and that we are a separate state; we do not have to fall into line with what other states do. There is never any mention from him about the disparity in the Senate. There is never any mention from that side of the house about what is going on in the Senate—the disproportionate scenario in which Tasmania has 16 times the per person voting power of New South Wales. The Attorney General loves to talk about the Mining and Pastoral Region ratio of six to one, or whatever it is. Tasmania has 16 times the per person voting power of any other state. I look forward to someone on the other side mentioning the Senate in their contribution, because we certainly have not heard about that.

I would like to define the role of the Legislative Council because it is pertinent in examining what the Legislative Council is here for. The Parliament of WA education website says that it exists to make new laws and to amend and review existing state laws for the peace, order and good government of WA; to scrutinise the activities of the government and keep it accountable to the people; and to examine and debate proposed legislation and refer matters to the Council committee system, to approve finance for government business, advise government on public policy, and raise and examine issues that are of concern to Western Australians. How any one of those can be carried out with a reduced and biased collection of people in the Legislative Council is beyond me. There is relevance in the words “peace, order and good government” of WA. What will a reduction in regional representation do for good government? As far as I am concerned, this is where the Attorney General and the Premier have lost their way. They have lost any understanding of how the regions work.

I am really pleased to see the members for Pilbara and Kimberley in the chamber tonight; they have stayed here right through the second reading debate contributions because they understand the difficulties that our regional people are going through. They understand the law and order issues and they understand some of the things that are going on in remote communities. The member for Vasse mentioned the water pipeline at Warburton; the response from the Department of Communities was, “Oh, we’ll look around for that \$3 million.” What happened to the \$5.8 billion surplus? It is quite bizarre. This is exactly what we are talking about with these remote communities. They need people to stand up for them. What is the Attorney General doing? He is reducing regional representation. The

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members for Pilbara, Kimberley, Kalgoorlie and North West Central cannot physically cover all those communities. It is hard enough in the electorate of Roe, taking more than nine hours to cross from one side to another; it is another challenge altogether in an electorate the size of North West Central, and the member for North West Central earlier tonight pointed out some of the issues he faces.

I admire the work that the members for Pilbara and Kimberley are trying to do, but I can absolutely guarantee that they appreciate the assistance of the Mining and Pastoral Region members in the other place who cover the extra territory. They understand the issues, and it is very important that they continue to have that assistance because it is physically impossible for them to cover everything as individual members of Parliament.

[Member's time extended.]

Mr P.J. RUNDLE: The Mayor of Karratha made a couple of interesting points in his submission that, once again, were not taken into account, I imagine, by the Ministerial Expert Committee on Electoral Reform. The submission states —

In Western Australia, the regions outside Perth, with a population of roughly half a million people, generate some \$150 billion of export income, compared to approximately one tenth of that income (some \$15 billion) generated by the 2 million people in Perth.

That means that on average, an individual in the regions generates forty times the wealth of someone in the city, but obviously the Attorney General is not going to take that into account. It continues —

Yet the half a million people spread over some 2640 thousand square kilometres of WA suffer all sorts of difficulties and deprivation due to their far fewer facilities and services.

Their representation is absolutely critical. As I said earlier tonight, the house of review will have a lot of offices up in West Perth. The Labor Party might occasionally say, “Look, a few of you need to have your office in York, Pinjarra or Toodyay—somewhere near Perth to make it look like we’re interested in the regions.” That will be the answer. They will say, “Oh, look at us—we’ve got a few offices in the regions”, but I can see what is going to happen and I can see the way it is going to pan out as time goes by. The people of regional Western Australia have spoken. They put in their submissions. From what I can make out, about 160 of the 184 submissions were from regional people, but, unfortunately, they have not been taken into account by the looks of it.

Another thing that I want to point out—many of our members have spoken about this tonight—is that we are opposed to the scenario that elected a member of the Daylight Saving Party with just 98 votes. We do not like to see that and we certainly do not like to see that type of influence. We were more than happy to deal with that in the last Parliament and we had a bill in place, as the member for Cottesloe pointed out. However, it was one of 17 bills that was transmitted to the Legislative Council that never again saw the light of day. There was an opportunity then to deal with preference harvesting, but the Labor Party just let that legislation sit there, among its 17 other bills. It was quite frustrating, to be honest.

I want to talk about some of the things that our regional members do. They get out there and look at what is actually happening in their electorates. They look at what is happening in places like Karratha, Broome, Kununurra, Wyndham, Kalgoorlie, the Ngaanyatjarra lands, Esperance and Ravensthorpe. Most of our regional members travel at least 1 000 kilometres a week and sometimes 2 000 kilometres a week because they make the effort to go to the agricultural shows and the local sporting clubs. All these regional members go to end-of-year school concerts and pick up information about what is going on in their electorate. As I have said before, in my electorate we have 50-odd schools; I think it is 52. I rely on the Agricultural Region members, Hon Colin de Grussa and Hon Martin Aldridge, to go to some of those functions to help me out because we just cannot physically cover every single school. When we go to a football game, a netball game or a hockey game, we pick up information and see what is going on out there.

It is quite upsetting for me when I look at some of the statistics that we are seeing out in the regions. The member for Vasse pointed out some of the statistics on health. It is quite disturbing that some of our far-flung community members are struggling to get an appointment to see a doctor. Occasionally, they will have telehealth, which helps out on occasion. That is one of the fantastic things that the previous government brought in through the Southern Inland Health Initiative. Our NAPLAN results are quite upsetting. Certainly, in our remote communities the numbers are way down. We are talking about 60 and 70 per cent compared with our metropolitan schools. I will give members a couple of examples. When I look at the year 3 reading, I see that the mean scale score in a major city is 433.7, in the remote areas it is 392.4, and in the very remote areas it is 346.7. When it is compared with the national standard, a major city is 96.7 per cent, remote is 92.4 per cent and very remote is 77.8 per cent. Those are genuine statistics. Every scale of education—writing, spelling, mathematics, grammar and punctuation, or numeracy and literacy—drops from major city to remote to very remote. I cannot believe that this government would countenance reducing regional representation. The government stands and says, “Look at us; we are the party of the regions.” I have heard Hon Darren West in the other place talk about that. I have heard members in this chamber talk about it. The government

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says that it is the party of the regions but we have these results. In 2020, there were 93 road fatalities in the regions and 62 in the metropolitan area. In 2019, there were 99 road fatalities in the regions and 65 in the metropolitan area. On just about any statistical scale, our regional people are disadvantaged and the government is pulling out representation. Life expectancy is two years lower in regional Western Australia. In remote and very remote communities across Australia, the mortality rate is 30 per cent higher than in our cities. Those figures are from the WA Country Health Service.

Mr P. Papalia interjected.

Mr P.J. RUNDLE: I cannot believe that the Minister for Police would even attempt to interject while I am trying to give these concerning stats on what is going on in our remote and Indigenous communities while his government is happily pulling out representation. We heard the members for Vasse and North West Central talk about vaccination rates. We get the city statistics that show it is going great in the western suburbs, but it is not too good in Rockingham, Cockburn and Kwinana. We do not see too many stats from regional areas because they are so far out of kilter that this government does not even bring them in. I have some figures here. The rates of type 2 diabetes, alcohol consumption and chronic kidney disease are higher in regional areas than in the metro area, and the list goes on. Forget the politics; these statistics on education and health outcomes are incredibly disappointing for not only regional people, but also remote people. I find it quite upsetting, actually, that this government says that it is there to represent the people of the regions.

I looked at some of the stuff that Hon Jim McGinty tried to put through back in his heyday, when he told us that the Royal Flying Doctor Service was an interest group. I am pretty sure the member for North West Central recalls that comment.

Ms M.J. Davies: He did one vote, one value last time.

Mr P.J. RUNDLE: That is right. I can still remember pulling up to the T-junction at Kojonup and hearing Hon Jim McGinty on the news saying that the Royal Flying Doctor Service was an interest group.

Mr V.A. Catania: His faction now controls not only the sails, but also the rudder.

Mr P.J. RUNDLE: That is right. He controls the sails and the rudder, as the member for North West Central pointed out earlier.

I note that the majority finding of the High Court case *McGinty v Western Australia* in, I think, 2005 that the interpretation of sections 7 and 24 of the Australian Constitution did not require that all votes hold the same value should have been referenced in the committee's final recommendations. The submissions of the plaintiff, Hon Jim McGinty, were unanimously rejected by the court and it found that sections 7 and 24 of the Australian Constitution did not require that all votes hold the same value. It is very clear from the High Court that that is not necessary. We have seen it in the federal system with the Senate whereby a vote in Tasmania, as I pointed out earlier, has 40 times the value. The High Court pointed that out, but Hon Jim McGinty pressed on, and now our current Attorney General has taken it to the next level. He stood in front of Parliament House the other day and said, "We've been working on this for 120 years. We're finally going to succeed." This is an aspiration of the Labor government, and it has been for 120 years—look at it. I genuinely ask our regional members to stand up.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [10.44 pm]: I am very pleased to make a contribution to the debate on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, a historic bill for Western Australia. I want to make some comments about some of the previous speakers, including those of the opposition. It is always very interesting that history is written in various ways by various people. We have heard some bleating this evening by members opposite, particularly those of the Nationals WA, about representation for regional communities. This is the same party that purports to represent agricultural communities, but whilst in the Barnett–Grylls government, it oversaw the demise in resourcing and numbers at the Department of Agriculture and Food. The party that has supposedly stood for near-on 200 years turned its back on the agricultural regions in Western Australia when it was needed. What did it do? It was part of a government that oversaw the gutting of that department and of funding, including many of those FTEs being stripped from regional Western Australia. It is the same National Party that allowed the demise of the tier 3 rail system and its communities. No wonder we have the ongoing tragedy of deaths on country roads when that party in government oversaw the demise of the tier 3 rail system; it sold it off. We now know that many systems of rail, if they were still operating, would reduce the number of vehicles on roads in country WA and would be a much safer method of transporting grain. National Party members did not mention that in their contributions.

In my view, the fact of the matter has always been about quality of representation. I was part of the Parliament that saw the reforms in 2005 with the one vote, one value principle in this place. The Attorney General is absolutely correct. For over 120 years, in its history the Labor Party has unashamedly argued for the principle of one vote, one value; that is, it is a democratic right of any person, no matter where they may live in Western Australia that

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they should have a vote that is equal to someone else who lives in another part of the state. I remember the debate that took place in 2005 very well. I was elected to this place in 2001 under the old system before one vote, one value. When I was elected to this place in 2001, I recall the electors in the district of Mandurah comprised just under 14 000 people, yet—I can always remember it—the seat of Wanneroo, which was and continues to be a fast-growing part of the metropolitan area, was eclipsing 30 000 electors. How could anyone argue that it was fair that I should be able to be elected with that comparison in terms of electors? It is frankly unfair. This is about fairness. The issues of representation and the capacity to represent are about quality.

I am not having a go at the Leader of the Opposition, but we already know that when she was a member of the other place, she did not have her office in the region from which she was elected to the other place; it was in Perth. Many members here are representatives of regional electorates and they do not live in their electorate. It is a reality; they do not live in their electorate. Some of them do not live anywhere near their electorate. Some of them live literally thousands of kilometres away from their electorate. I will not name them; they know who they are. Members opposite should not come in here with their crocodile tears. The simple fact is that it is about the quality of the representation. It is important that we have a strong sense of fairness. I can understand why the opposition opposes this legislation. The conservative side of politics has opposed major reform in many areas throughout our history. I can remember standing in this place when members of the Liberal and National Parties—none of those members are here now—opposed reforms to acknowledge the loving relationships between gay and lesbian people. They opposed it! The then Premier of the state was Barnett. People were sitting in the public gallery and staring down at the Labor Party. The member for North West Central will remember this one.

Mr V.A. Catania: Which side was I on?

Mr D.A. TEMPLEMAN: I am just saying that they were pointing to members of the Labor Party and making comments about gays and lesbians. They opposed the reform. Would we go back to that? No, we would not! In terms of the representation of this place, would we even go back to the old system before one vote, one value? Members should think about that in their hearts. Would we go back to that? No, because the reform was based upon a principle of equity and fairness. Yes, there are flaws. Someone mentioned the Senate earlier. I agree with Paul Keating's view of the Senate—unrepresentative swill! One of the problems with the Senate arose from the founding nature of the Constitution of Australia to protect the interests of the states, and later the territories. A mechanism was put in place so that members elected to the Senate would act on behalf of the states they represented. We know that party politics destroyed that. Look at the voting history of the Senate of the federal Parliament; invariably, members vote along party lines, irrespective of which state they come from and whether the vote is in the best interests of South Australia, Western Australia, Tasmania or wherever.

Members opposite should not come in here crying tears and saying that the Labor Party does not have any interest in the regions. They are so wrong. It is a lame argument. I have already pointed out two examples from when members opposite were in government and should have stood up for interests in the agricultural region. The first concerned the resourcing of a department that has traditionally been important to the interests of farmers, people involved in the horticultural industry and food producers. Members opposite were found wanting. They could have done something about tier 3 rail closures, but they were found wanting. They could have done something about it, but they did nothing. Western Australia now has a vastly diminished system of rail in its agricultural and regional areas. Members opposite oversaw that. I was not in the Parliament at the time, but I remember talking to one of the former members for Murray–Wellington about a former conservative government's decision to deregulate the dairy industry, which led to the demise of the milk industry, and the impact that had on dairy farmers—the very people members opposite keep saying they are here to represent.

The problem that the National Party now has is that it is the majority opposition party in this chamber. I am sorry, but Nationals members actually have to represent everyone's interests, including the 75 per cent of people who happen to live in the metropolitan area. The Nationals WA is the opposition; it has to represent them as well. It allowed tier 3's demise, but then opposed the Metronet program that is aimed at expanding the metropolitan public transport system to have a positive impact on emissions, and to encourage more people to get off the roads and onto rail. It opposed that. This is the hypocrisy of the National Party. Now the little dog is the Liberal Party, the little puppies that are lapping on behind the National Party, the big dog. It reminds me of that *Looney Tunes* cartoon with the big dog and the little dog. The member for Cottesloe is the little dog running along behind the tail saying, "We agree with you! We agree with you!"

We have to remember history because history is an interesting thing. The turning point in 2005 for the one vote, one value legislation that originated in the Assembly and went to the other place, ultimately hinged on the one vote of Hon Alan Cadby. It essentially hinged on his vote in the end because he ended up supporting the government's position. There was some negotiation but that is essentially what happened.

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Reform is important. I go back to the gay and lesbian debate. One thing I will give credit for and that I was impressed with was that when the former Leader of the National Party, Brendon Grylls, was elected to Parliament, one of the things he did when he came was —

Mr P. Papalia: Chester and Spike.

Mr D.A. TEMPLEMAN: Chester and Spike the dogs. There you go!

In regard to the gay and lesbian debate, Brendon Grylls went about saying, “No, no, we need to support it.” He was dragging the regressive thinking and conservative aspects and elements out of the Dark Ages, but they had to be dragged kicking and screaming.

The Labor Party unashamedly supports one vote, one value; it always has. We are putting into place those reforms. They will reform our system that is seen by numerous commentators—many of them very eminent in their field with their knowledge and experience in politics—as a broken system. It is an ancient gerrymandered, unfair system. It is right that a government that has always had it as its policy—as the Attorney General said, for 120 years—would seek to address that imbalance. The interesting thing that I think is going to come from this is that there is huge potential for the regions to have a greater place in the light.

Ms L. Mettam interjected.

Mr D.A. TEMPLEMAN: I do; I honestly do.

Having 37 members, as proposed, as whole-of-state representatives, offers a huge opportunity for regions to be enhanced with the issues that face the regions. One of the arguments from the other side that I get so peeved about, and I think the member for Roe said this, is that this is about setting up the country against the city. The only people who do that are the opposition; the only ones who do that are the opposition. It seeks to drive the wedge whenever and wherever possible. I have to tell members that the electorate across the state, both metropolitan and regional, are smarter than that.

A lot of people who live in the metropolitan area, for goodness sake, are from the country. There are many of them and members opposite know it. Many farmers from the wheatbelt retire to either the coastal cities where they have holidayed, like Mandurah—I have a lot of ex-wheatbelt and ex-goldfields people in Mandurah—or to the metropolitan area. That is the reality. Because of Western Australia’s vastness, one of the challenges is to make sure that no matter where anyone lives, we provide them with access to the services that they need. That is the difficult bit because the state is vast. It is incumbent on any government to make sure that it provides for its citizens, no matter where they live. I am sorry but that does not determine whether someone is Labor, Liberal, National or Green. It is an aspiration of everybody in this place that someone should have access to health, education and support services when they need them. No-one argues with that because we know it is a right for people to have that.

This debate is about equity and fairness. Is it perfect? No, it is not. We are dragging a very reluctant opposition. I understand why opposition members are opposing the legislation; of course they think there is mileage in opposing it. The reality is that the current system is not fair and has not been for a long time. A government that has a reform agenda in a vast array of areas has every right to put forward a proposal to change what it sees is an unfair system. If this bill passes and becomes law, it will be incumbent on all members of the Legislative Council, in its newly constituted form, to very clearly understand that their responsibility lies as members essentially representing the state. Is that a bad thing? No, I do not think it is. I think it a good thing. It has the potential to change the very way that the system of government has operated for over 120 years in Western Australia. Remember when people in the colony essentially did not have the vote unless they owned land, of course. Would we go back to that? It was draconian. Would we go back to not allowing women to have the vote? It was draconian. Goodness gracious! This is about reform. I will leave members with the question of whether we would we go back to the old system in this place. If members opposite looked at themselves and into their hearts, they would say we would not because it was unfair. What happens and how members are elected in the other place is unfair and this government is correcting that.

MR D.T. PUNCH (Bunbury — Minister for Disability Services) [11.02 pm]: I rise to make a short contribution to debate on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill. I speak in support of this legislation and I do so with a great deal of pride for it is a historic moment, certainly in the history of the Labor Party, but in my view for the state as well.

When I think about it, this legislation is not anti-regions or pro the metropolitan area; it is pro-Western Australia. It is about decency. It is about a fair go. It is based on 37 members in a reformed upper house who have a responsibility for and an accountability to all the people of Western Australia, no matter where they live. It is an accountability that is consistent with the oath of office that they take when they are appointed. That is what they do. Their role in the Legislative Council is to look after the best interests of Western Australia. Each and every one of those members in a newly elected system would be responsible to understand the issues of Western Australia—to understand what

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it is like to live in Kununurra, to understand what it is like to live in Esperance, and to understand the issues of Kalgoorlie and the towns that go out to the borders.

I have lived and worked in Western Australia virtually all my life, from when I came here as a 14-year-old. I have worked with families in Western Australia who have been in the depths of poverty. I have seen people living in the harshest of circumstances through my work with the various community welfare family and children services and departments. I have worked in regional development and I have seen the opportunities for the economic growth of regional Western Australia. The opportunities are there. I have worked in the public service for both Liberal–National and Labor governments, but I am pretty certain that in all that time the upper house has not made one skerrick of difference to the lives of Western Australians. The differences are made in this house where government is formed. There is no doubt in my mind that the current system is broken and it is unfair. The example that everybody uses is the Daylight Saving Party and a representative elected with just 98 primary votes. We know that is not right; we know that is not the way we should go. The unfairness is more than that. It is baked into a system in which certain people have the privilege of a vote in sparsely populated areas that is worth more than people living in more densely populated areas.

Dr D.J. Honey: You weren't so forthright on this before the election, were you, member?

Mr D.T. PUNCH: The difference between the member and me is that I believe that everybody is equal and one vote has one value; whereas the member —

Dr D.J. Honey interjected.

Mr D.T. PUNCH: Let me finish. The member's view is that a vote in Broome can be worth as much as six times a vote in the metropolitan area. That is the issue. That is the difference between us. This party has always stood for one vote, one value. This malapportionment goes back many years and it is staunchly defended by the major conservative parties. We know why—because they have consistently benefited from that malapportionment right through WA history, until this term of government. That has given rise to the sort of lazy policy behaviour that we have seen displayed by members opposite in the upper house. That was laid bare in the last review into the traumas of the Liberal Party, particularly at the last election. That is what this does. A system in which members do not have to work hard on policy agenda, they do not have to work hard to connect with the community and they do not have to get out there, makes them lazy. They live off the back of the rest of the party and they look for an easy ride into the upper house and they sit there looking after the party's interests and not the electorate's interests. That is the problem with this. The difference between one vote, one value and 37 members who are responsible for the whole of Western Australia is they have to get out there and do the hard yards. They have to be representative because I know Western Australians in the bush will make it really clear when they are not doing their job.

A lot of quotes have been bandied around today. There has been so much negativity from members opposite on this issue. I thought they would really look at the opportunities of reform and see how they could manage them and make the best of them. I was reminded earlier of my old cobbler Mal Bryce, who was talking about this in the 1980s. I want to quote *The Australian*, that great newspaper, back in 1994. It reported on the reaction to a recommendation from the then royal commission that was looking at the whole issue of electoral equality. It particularly comments on the reaction of Hon Hendy Cowan. I quote —

The cynic might say it is no surprise to find Cowan as one of the staunchest supporters of vote weighting. After all, as leader of the West Australian National Party he has more than a passing interest in maintaining the status quo ... And the National Party? In 1993, it won six Assembly seats with a total of just 48 000 primary votes, and in the Council it won almost 9 per cent of seats with 4 per cent of votes.

Later *The Australian* opined —

It is time Western Australia caught up with the rest of the nation on electoral reform. The era of the gerrymander must give way in the West, as it has elsewhere, to equal franchise under the concept of one vote, one value.

This is not a recent issue. This has been around for a long time, members. The member for North West Central talked about the shivers running up the spines of industry and other stakeholder groups. I remember Paul Keating talking about a shiver up the spine and I think the Leader of the Opposition probably feels that every time the member for Roe sits behind her.

Several members interjected.

Mr D.T. PUNCH: I mean the member for North West Central. There is not a lot of difference anyway!

The Western Australian Council of Social Service is a great institution. In its submission, it said —

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For a representative democracy to be trusted, healthy, functioning and vibrant, it is critical that the will of the electors is clearly and accurately reflected in the composition of their parliament. As such, WACOSS strongly supports the principal of ‘one vote, one value’ and considers it imperative that reforms be introduced for this to underpin our state’s electoral system for the Legislative Council.

WACOSS does not have a shiver up its spine; it is up for it. WACOSS is ready to embrace change and look at the opportunity that goes with that. Similar comments came from small parties such as the Animal Justice Party and the Greens (WA). A former Speaker of the WA Legislative Assembly said that there is no reason the six regions should remain and that many MLCs, while elected to our country regions, have no real or actual connection with the regions and have their offices in West Perth. Who would have said that, members? It was Hon Michael Sutherland, former Speaker.

There is plenty of debate out there calling for reform. I can understand why members opposite are concerned about it. But I cannot understand why they would not take the opportunity to look at what could come out of this for regional Western Australia, rather than resorting to the old negativity that the sky will fall in because the only party that is prepared to stand up for regional Western Australia is that of members opposite. As the member for Mandurah pointed out, this is a party that was responsible for the tier 3 rail disaster, things like milk deregulation and the start of the rot on royalties for regions with substitution for consolidated revenue. It does not have the best of records, safe to say.

For the people in my electorate of Bunbury, this change will see the value of their vote even out with those of their peers living in other regional communities; for example, an upper house vote in Kalgoorlie is worth 3.5 times the vote of an elector in Bunbury and is worth more than that of a similar elector in Albany. There seems to be a belief that under the current system in the upper house, members elected to a regional division are required to demonstrate their commitment to the district. Although we all might agree that that should be true, I think the argument is that the reality is quite different. There are currently 18 nominally regional members of the upper house across three regional districts, South West, Mining and Pastoral, and Agriculture. I am pleased to say that all 10 of the Labor members elected to those districts have their offices in the regions, as they should. But more than a third of the remaining members have their offices in Perth, with no obvious connection to the region at all. Labor is out there with offices in the regions connecting at a community level, talking to people and employing people locally and we find that other members are not. Hon Martin Aldridge’s office is so close to Perth it might as well be in Perth.

Mr R.S. Love: It’s in the wheatbelt.

Mr D.T. PUNCH: There is very little to compel upper house members to give special consideration to their districts in decision-making. In fact, most members tend to prioritise their own party issues. We have seen that time and again with the Liberal Party in the upper house.

Ms M.J. Davies: What a ridiculous statement.

Mr D.T. PUNCH: What is ridiculous? Your statements have been ridiculous tonight.

Several members interjected.

Mr D.T. PUNCH: It does not take much to start them off.

Several members interjected.

Mr D.T. PUNCH: I throw out the bait and I can reel them in, member for North West Central.

It is interesting with some of the smaller parties. The issue is how well upper house members represent their interests in the lower house. The Legalise Cannabis WA Party was elected to the South West Region but if we look at its social media, we see that it is all about legalising cannabis. There is very little about regional representation, and that is one of the challenges with the upper house.

I want to finish with a couple of comments by Hon Geoff Gallop, who has enormous insight into democracy and the Westminster system. He talked about the four principles that are generally referred to when people oppose one vote, one value reform. The first principle—we have heard it tonight—is that rural areas produce the real wealth and therefore should have a greater say. Geoff Gallop’s response to that is that that is very much an argument for economic determinism. If we take that to its logical extension, it means that people will vote on the basis of where the wealth is. This principle pays no attention to the changing nature of our economic systems and how wealth is generated. There is no underpinning of democracy at all if we allocate votes on the basis of where wealth is generated.

The second principle is that the problem of communication in sparsely settled areas demands smaller enrolment electorates. We have heard that tonight too, members, and it rests on an assumption about the meaning and practice of representation. Are communication problems between a member of Parliament and his or her electors simply

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a function of distance, or do other factors such as available time and the number of electors play a role as well? We have heard about the enormous distances travelled. I did a quick calculation and it worked out, having regard for speed limits, to around 25 hours a week spent on the road. That may be a fair principle, but it begs the question: why are we not using some of the available technologies to connect with our communities these days?

Mr R.S. Love: Because people want face-to-face contact.

Mr D.T. PUNCH: They certainly do, and there are many ways to do that.

Several members interjected.

Mr D.T. PUNCH: Just because the member for Moore is living in the last century —

Mr R.S. Love interjected.

Several members interjected.

The DEPUTY SPEAKER: Members! Deputy Leader of the Opposition!

Mr D.T. PUNCH: I will work through these principles because I have heard them all this evening. The third principle is that a numerical domination by the metropolis would overwhelm rural interests. That is a system of the tyranny of the majority. Hon Geoff Gallop said that it is true that minorities can be ignored, but the fact is that that can also be a reflection of the particular balance of power at the time. The Nationals WA made very good use of the balance of power in 2008. The closeness of elections and the location of marginal seats is a significant test of the political significance of particular electorates and their members. Particular regions of the state may have fewer seats in Parliament but more strategic power. It is a complex issue.

The DEPUTY SPEAKER: Attorney General, keep it down if you want to have a conversation, please. Carry on, member.

Mr D.T. PUNCH: Thank you, Mr Deputy Speaker.

The fourth principle that we have heard tonight is that the representation of interests, rather than people, is essential. In some senses, this is the underpinning of malapportionment, the notion that a rural interest is the predominant interest that has to be safeguarded and we cannot recognise that we can work on the basis of one vote, one value and achieve significant outcomes for people. If interests rather than people are the basis of politics, what interests do we choose? Do we choose regional interests, agricultural interests, industrial interests, Indigenous interests or particular secular interests? It becomes a very difficult issue and the minute that we move into an argument for vote weighting away from one vote, one value, the issue becomes where do we stop; how do we define the weighting? That is where the unfairness comes in.

Members opposite have had control of the upper house for most of the life of the whole Parliament, going back 100-odd years. The member for Roe talked about all the challenges that regional Western Australians face. We know there are challenges in regional Western Australia. My own view is that every party in government makes an attempt to try to get those interests addressed in this house. I can certainly say that the upper house has not contributed in any way to achieving better outcomes for regional Western Australia. The government is formed in this house and the major policy frameworks are formed in this house. It was a National Party minister who argued for the tier 3 rail issue, which was totally against the interests of regional Western Australia and totally in the interests of the dominant party at that time that was so concerned with privatisation. It saw privatisation as the way forward that regional Western Australia is paying the price for today. That rests with the opposition. That is just one example.

The member for North West Central comes in here with his ageist comments and puts the sads on about the loss of malapportionment and the fact that the Nationals WA upper house members might have to work even harder to win the hearts and minds of Western Australians and not just ride on the back of the coat-tails, not the sheep this time, of the malapportionment that it has favoured for 100-odd years. It should not chuck on the sads. It should look at the reform agenda and think about what it will mean when 37 members of the upper house have to work hard to win the hearts and minds of people in the bush.

MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs) [11.21 pm] — in reply: I will close the second reading debate on the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 very briefly by making a few remarks because we are going into consideration in detail and the bill will be looked at in detail during that process.

The Leader of the Opposition and other members of that side made the allegation that this was a power grab by Labor. This does not sit very well with the analysis of the bill by the member for Cottesloe and the member for North West Central. Members opposite pointed out that the quota will now come down to 2.63 per cent and this will see micro-parties enter the Legislative Council. That does not sit well with an allegation that it is a power grab by

Extract from Hansard

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Labor. With the quota at 2.63 per cent, this will give any party the opportunity to have a go at representation in the Legislative Council. Labor appreciates that.

There was not an inevitability about the outcome, as alleged by members of the opposition, in relation to the terms of reference of the Ministerial Expert Committee on Electoral Reform. There was not an inevitability that it had to be this model. As noted in the ministerial expert committee's report, it published a discussion paper with two alternatives. There was not an inevitability that it was going to be the whole of state. There were two alternatives. One is four regions of nine members each. That gives equality. The other is the whole of state. The committee came down with the finding that the best way to offer true representation to all Western Australians is not to have the regions represented by nine people but to have the regions represented by 37 people. Members opposite scoff at that.

I will go down the list of offices occupied by members of the Labor Party at the moment: Hon Sandra Carr, Agricultural Region, has an office in Geraldton; Hon Stephen Dawson, Mining and Pastoral Region, office in South Hedland; Hon Peter Foster, Mining and Pastoral Region, office in Karratha; Hon Jackie Jarvis, ALP, South West Region, office in Margaret River; Hon Alannah MacTiernan, South West Region, office in Albany; Hon Kyle McGinn, Mining and Pastoral Region, office in Kalgoorlie; Hon Shelley Payne, Agricultural Region, office in Esperance; Hon Rosetta Sahanna, ALP, Mining and Pastoral Region, office in Broome; Hon Dr Sally Talbot, ALP, South West Region, office in Eaton; and Hon Darren West, ALP, Agricultural Region, office in Northam.

As members can see, Labor Party Legislative Council members who represent regional areas are true regional representatives, with their offices in the regions. We will always remember the doyen of the Liberal Party in the Legislative Council who controlled the Legislative Council for years and years—who does not have much time for current members of the Liberal Party, I note from Monday's *The West Australian*—Hon Norman Moore. For years and years, he represented the Mining and Pastoral Region but lived in Perth and had his office in Harvest Terrace. The notion that a whole-of-state electorate will deprive people of representation is eyewash. Obstruction and distraction dribbled out from the other side of the chamber, but I thank the Leader of the House and the Minister for Small Business —

Mr P. Papalia: No, no; seniors.

Mr J.R. QUIGLEY: I thank the Leader of the House and the Minister for Seniors and Ageing, Hon Don Punch, for their contributions.

Ms M.J. Davies interjected.

Mr J.R. QUIGLEY: Look, I am on my feet and it is half past 11 at night; I have just forgotten that.

I thank them for pointing out what the Liberal and National Parties ripped out of country regions when they were in power. The Leader of the House pointed out they just burnt tier 3 rail; it just went and there was no requirement for the operator to maintain tier 3 rail. That had a huge impact on all grain farmers, as opposition members know, but they just want to cover it up.

The problem with malapportionment, even if I go back 50 years, is it never got any better. For example, in the 1971 election, when I was at law school, the Labor Party got 50.4 per cent of the vote but only 26.6 per cent of the seats. In 1974, Labor got 48.3 per cent of the vote but only 33 per cent of the seats. So it goes. A democracy is when he or she, the party or the person, gets the most votes and gets elected. But that was not happening in Western Australia until now.

Some things really stick in my craw. People say to me, "If you have done one thing, John, as a lawyer and as a parliamentarian, it is that you have stood up for the underdogs—Mallard, Spratt and Austic—who were up against the system. You have done that." What really irritates me is hearing opposition members now standing up in this Parliament and saying that they are for the vulnerable and the weak in the bush. I was here in the Parliament when the previous government did everything it could to shut down remote Aboriginal communities, to kick them off their land so that they would become long-grass vagrants on the outskirts of Broome, Kalgoorlie and other places. They were not satisfied with trying to destroy Mabo and land rights. When the conservatives had control of this Parliament and the Mabo and Wik decisions were handed down, they took this state on a futile mission to the High Court in Canberra to try to overturn all that, to take back land and land rights from their regional citizens! You wanted to steal the land off them for the second time and you say you are here for the regions. You trot out "Indigenous", "vulnerable" and "poor people" whenever it suits your argument, but would you cross the road to help them? No way. Would you put yourself at political risk to help them? No way. The game is up.

We have before the Assembly this evening a well thought out Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. I am not going to accept the idea that this was done in a hurry; this was not done in a hurry. I do not know where opposition members went on their winter break, but I can tell them what I did: I worked on this all day, every day, including during the last two-week recess, so that I could present to the Parliament a bill that is in really good shape. Members opposite say that this is the priority; no. The member for Cottesloe approached me outside the chamber and said, "You're still carrying the weight of the legislation, Attorney. You

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

put 59 through the last Parliament; you're working hard." I will tell the member for Cottesloe how you do it: you do two or three bills at once. He started to roast me, saying "Where's the consorting bill? Where's the bill to crack down on bikies?" Have a look at the front page of *The West Australian* tomorrow; that will tell him where it is. I have been working concurrently on the toughest anti-bikie laws in the nation, and I think I am up to bill number 10 at the moment. This is an important bill; the anti-bikie bill is an important bill. There are a whole lot of important bills, and I am not going to let dust gather; I am going to get the job done. I am here to get the job done. I have a terrific office with terrific staff; we work on three or four bills simultaneously, and we present them here in good shape, like we have for this bill.

I was humbled that the Premier rang me to ask me to be Attorney General again and Minister for Electoral Affairs. I am very, very humbled but at the same time very proud that, after 120 years, John Quigley gets the privilege of bringing this bill into this Parliament. I cannot tell members how enormously proud I feel of that. As I said to the media outside, when it was said that we have been dreaming about this for 120 years, it was true: ever since the inception of the Labor Party, we have always said that there should be democracy and equality amongst citizens. This evening I am able, with humility and pride, to move that this bill be read a second time.

Members: Hear, hear!

[Applause.]

The DEPUTY SPEAKER: Members, before I put this to the vote, the second reading of this bill requires an absolute majority. If there is a dissentient voice when putting the question on the second reading, I will divide the house. If there is no dissentient voice, I will count the members present and declare the question to be carried by an absolute majority, if that is, indeed, the case.

Question put.

The DEPUTY SPEAKER: There is a dissentient voice, so a division is required.

Division

Question put and a division taken, the Deputy Speaker casting his vote with the ayes, with the following result —

Ayes (38)

Mr S.N. Aubrey	Mr W.J. Johnston	Mr Y. Mubarakai	Dr K. Stratton
Mr G. Baker	Mr H.T. Jones	Ms L.A. Munday	Mr C.J. Tallentire
Ms H.M. Beazley	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr D.A. Templeman
Ms C.M. Collins	Ms E.J. Kelsbie	Mr P. Papalia	Mr P.C. Tinley
Mr R.H. Cook	Ms A.E. Kent	Mr S.J. Price	Ms C.M. Tonkin
Ms D.G. D'Anna	Dr J. Krishnan	Mr D.T. Punch	Mr R.R. Whitby
Ms K.E. Giddens	Mr P. Lilburne	Mr J.R. Quigley	Ms S.E. Winton
Ms M.J. Hammat	Mr D.R. Michael	Mr D.A.E. Scaife	Ms C.M. Rowe (<i>Teller</i>)
Mr T.J. Healy	Mr K.J.J. Michel	Ms R.S. Stephens	
Mr M. Hughes	Mr S.A. Millman	Mrs J.M.C. Stojkovski	

Noes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)

Question thus passed with an absolute majority.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Ms M.J. DAVIES: Obviously we are dealing with the short title of the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. Despite the impassioned speeches we have just heard from the member for Bunbury and the member for Mandurah, I have to say that there was a surprising lack of interest from other regional members.

Mr V.A. Catania: The ones who are retiring!

Ms M.J. DAVIES: There were some interesting comments from the member for Bunbury. I wonder how his colleagues in the Legislative Council will respond to his critique of their role in cabinet and caucus when they read *Hansard* tomorrow.

Mr D.A. Templeman interjected.

Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman;
Deputy Speaker

Ms M.J. DAVIES: Was the member for Mandurah listening to the critique that the member for Bunbury was providing of his colleagues in cabinet and caucus? I am sure they will be delighted to read that they are all sitting on the gravy train of the Labor Party doing not an ounce of work. I am pretty sure that the ministers there will probably disagree, along with many of the other upper house MPs. That is exactly what the member for Bunbury said. He absolutely said that as part of his contribution in defence of this bill, which has the words “electoral equality” in it, although that could not be further from the truth. Clearly, the opposition has laid out that the bill has nothing to do with equality. It is about reducing regional representation and silencing voices from all our regions in this Parliament. I want to put on the record that it is not just about protecting those people in regional WA, because this will ultimately have an impact on the entirety of the state. Minister Templeman was saying that the principle we are dealing with here is the most important issue at hand. He talked of reform and progress. When we deal with bills, we need to understand how this legislation will be applied practically. Practically, this will reduce electoral equality in the state Parliament. It will not improve equality in Western Australia; it will silence regional voices.

Several members interjected.

Ms M.J. DAVIES: I am loving the fact that people want to contribute, Deputy Speaker. I am disappointed that they did not stand up when they had the opportunity and make a contribution. Instead they sit on the back benches, in the cheap seats, and let everyone else do the hard work.

Several members interjected.

Ms M.J. DAVIES: I have a minute and 25 seconds left and I am allowed to say whatever I like! This bill is not about electoral equality, Attorney General. It does not matter how impassioned the speeches that he made were or how many he hears —

Ms S.E. Winton interjected.

The DEPUTY SPEAKER: Member for Wanneroo! The Leader of the Opposition has the floor; let us hear her in silence.

Ms S.E. Winton interjected.

The DEPUTY SPEAKER: Member for Wanneroo, I call you for the second time!

Ms M.J. DAVIES: Go again, please; put us out of our misery!

The Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 will do anything but deliver electoral equality for this state. I mentioned the contribution of Julie Freeman, one of many who wrote in to make a submission on this legislation. She talked about the principles of equality versus equity.

Mr R.S. LOVE: Mr Deputy Speaker, I would like to hear more from the member for Central Wheatbelt.

Several members interjected.

Ms M.J. DAVIES: Settle in team, settle in!

If we were really serious about making sure that this bill would create greater equality in this Parliament, we would actually not be reducing or removing references to regions, thereby removing or silencing the voices of regional Western Australians. Equity is important. Equality is an ideology, and it will not be achieved by what is in this bill, so the title of the bill does not reflect the content of the legislation. On that note, I move —

Page 2, line 4 — To delete “(Electoral Equality)” and insert —

(Slashing Regional Representation)

It has been very informative listening to the arrogant remarks and comments that have been made, and seeing the flippancy displayed, in the debate today, not by the Attorney General but by some of his colleagues. When regional members of our community and those who live, work and invest in those communities reflect on some of the commentary in the chamber today, they will see that no-one in this house, apart from members of the opposition, stood up to make sure that the people who already feel disenfranchised, who feel so far from the halls of power and who already find it difficult to access their members of Parliament, actually get the representation or services they deserve. On the premise of a principle of equality, instead of actually making sure that we deliver equity for all our citizens, the concerns raised by the opposition were dismissed, and dismissed summarily. The amendment that the opposition has now moved I think better reflects the content of this bill and the impact it will have. With that, I will sit.

Ms S.E. Winton: And then you will support the bill?

Ms M.J. DAVIES: That is wishful thinking, member.

Ms S.E. Winton: So you will amend something that you are going to oppose?

Mr W.J. Johnston: That’s not best practice.

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The DEPUTY SPEAKER: Members!

Ms M.J. DAVIES: Absolutely it is. If the government agrees to our amendments, we will consider changing our mind, but I can tell the minister right now that I do not think there is going to be any opportunity that the government is going to consider any of these amendments. I was going to sit down, but I will keep going! I do not think there is any opportunity at all that the government is going to agree to these amendments.

Several members interjected.

Ms M.J. DAVIES: Yes, we will take every opportunity to amend this disgraceful piece of legislation that has been brought forward by the Labor Party to disenfranchise the people of Western Australia.

Several members interjected.

The DEPUTY SPEAKER: Members!

Division

Amendment put and a division taken, the Deputy Speaker casting his vote with the noes, with the following result —

Ayes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)

Noes (38)

Mr S.N. Aubrey	Mr W.J. Johnston	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski
Mr G. Baker	Mr H.T. Jones	Ms L.A. Munday	Dr K. Stratton
Ms H.M. Beazley	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms C.M. Collins	Ms E.J. Kelsbie	Mr P. Papalia	Mr D.A. Templeman
Mr R.H. Cook	Ms A.E. Kent	Mr S.J. Price	Mr P.C. Tinley
Ms D.G. D'Anna	Dr J. Krishnan	Mr D.T. Punch	Mr R.R. Whitby
Ms K.E. Giddens	Mr P. Lilburne	Mr J.R. Quigley	Ms S.E. Winton
Ms M.J. Hammat	Mr D.R. Michael	Mr D.A.E. Scaife	Ms C.M. Rowe (<i>Teller</i>)
Mr T.J. Healy	Mr K.J.J. Michel	Ms J.J. Shaw	
Mr M. Hughes	Mr S.A. Millman	Ms R.S. Stephens	

Amendment thus negatived.

Mr V.A. CATANIA: Attorney General or minister for electric—he needs a bit of a spark!—Minister for Electoral Affairs, I refer to clause 1 and electoral equality. Is it correct that you are the member for Butler? Does the minister see my constituents of Wiluna as equal to his constituents who live in Butler? That is what he is saying. I can give many examples of the trials and tribulations that the people of Wiluna have had to face on a daily basis in recent times.

Several members interjected.

Mr V.A. CATANIA: This is actually not funny; it is not a joke.

The people of Wiluna suffer from poor health and lack of housing, and from not having a liquor outlet, for example, which causes immense pain to the community because of the large volume of alcohol that comes through Australia Post—hard liquor in bottles rather than cans. Glass bottles are smashed on the ground, which means the kids who walk on the streets cut their feet and then they go to school and get bandaged. People have to travel 180 kilometres from Wiluna to Meekatharra to buy a block of beer, or several blocks, and drive back another 180 kilometres on an unsealed road; or they to go to Sandstone, 300 kilometres away and 300 kilometres back—600 kilometres—to get alcohol. Does the minister believe that the title of the bill, “electoral equality”, suggests that the people of Wiluna are exactly the same as the people of his electorate in Butler? Can the minister tell me that there is equality for people in his electorate and those in an electorate like mine, which has a town like Wiluna, where people are suffering, particularly under this government? Does the minister believe that this bill will provide equality to the people of Wiluna?

Mr J.R. QUIGLEY: What I will tell the member for North West Central about Wiluna and the problems within Wiluna is that they developed and exist under the system as it exists at the moment. This malapportionment has not been a salve for the wounds of Wiluna.

Mr V.A. CATANIA: Is the minister saying that the people of Wiluna have the same resources and the same opportunities as the people of Butler have?

Mr J.R. QUIGLEY: It is not even midnight and the member could not remember what I said two minutes ago. I said two minutes ago that the inequities, difficulties and challenges that people have in Wiluna and other regional towns of Western Australia exist under the present system of malapportionment. I will tell the member one thing

Extract from Hansard

[ASSEMBLY — Tuesday, 12 October 2021]

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Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

about Wiluna specifically. It has not one but four fantastic representatives: Hon Kyle McGinn; Hon Stephen Dawson, the minister; Hon Peter Foster; and Hon Rosie Sahanna, who all have offices in the regions. They are fantastic members and they will continue to represent Wiluna well.

Mr V.A. CATANIA: The minister is saying that Wiluna’s condition exists under this regime, if you like; that is, under the current set of circumstances with the Legislative Council. Does the minister believe that under this legislation, where it says “electoral equality” —

Point of Order

Mr W.J. JOHNSTON: This is consideration in detail. The purpose of consideration in detail is to examine the words in the bill. The minister’s opinion, which is what the member is attempting to ask, is actually not relevant. The member can ask anything he wants about the words in the bill, but he cannot ask the minister his opinion about the purpose of the bill—that is the purpose of second reading debate. We have completed the second reading debate so it is not germane for the member to ask about the minister’s opinion about the effect of the bill. He has to ask about the words used in the clause. I ask you to draw his attention to the fact that he has to be relevant to the clause.

The DEPUTY SPEAKER: Thank you, member. There is no point of order, but I would like to remind the member that we are discussing clause 1, which is the short title of the bill.

Debate Resumed

Mr V.A. CATANIA: Thank you, Deputy Speaker. Like I said, under the current set of circumstances we have the Mining and Pastoral Region. The minister just read out the names of four members who represent the Mining and Pastoral Region; whether they frequent —

Ms S. Winton interjected.

Mr V.A. CATANIA: I think the member got her first photo in the paper in—how long has the member been in Parliament? How about the member just concentrate on that!

Several members interjected.

Mr V.A. CATANIA: I noticed that the member pushed everyone out of the way because she wanted to be next to Fat Cat!

Several members interjected.

The DEPUTY SPEAKER: Member for North West Central.

Ms S. Winton interjected.

The DEPUTY SPEAKER: Member for Wanneroo, you are on notice.

Mr V.A. CATANIA: The government has four members in the Mining and Pastoral Region; there are six in total at the moment. Wiluna is a dysfunctional town under this current system. In trying to assist the people of Wiluna to make it a better place, or trying to advocate their plight to government, does the minister believe that the people of Wiluna will be better represented by having 37 members from Perth—who would be trying to find Wiluna on the map!—or is it better to have six representatives of the Mining and Pastoral electorate, plus a Legislative Assembly member, to work on their issues? Does the minister not see that the short title of the bill does not represent equity? When I look at Butler and Wiluna, I do not think that there is any equity under this proposed legislation that will benefit a town such as Wiluna.

Mr J.R. Quigley: I have not heard a question to answer, Deputy Speaker. He has not asked me a question; he has just told me what he thinks.

The DEPUTY SPEAKER: You do not have to say anything, Attorney General.

Mr R.S. LOVE: The wording of clause 1 is —

This is the *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021*.

Could the minister inform me when drafting of this bill commenced? Does 2021 refer to the date the drafting started or was that 2020?

Mr J.R. QUIGLEY: No. In 2020, this was not even on our agenda.

Mr R.S. LOVE: The Attorney General is saying that he had not commenced drafting this Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill prior to the election. Can he tell me whether he commenced drafting the bill prior to the final report of the Ministerial Expert Committee on Electoral Reform being handed down?

Extract from Hansard

[ASSEMBLY — Tuesday, 12 October 2021]

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Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

Mr J.R. QUIGLEY: What is the relevance? This does not go to the wording of the bill and there is nothing I can contribute.

Mr R.S. LOVE: The bill has a date on it and I am trying to understand what date the drafting of the bill started, because we have been told that this bill was well underway before the Attorney General had consultation with the Electoral Commission. I am wondering whether the Attorney General started the bill before he had the final report from the ministerial expert committee.

Mr J.R. QUIGLEY: In answer to the member's observation, in clause 1, the figure 2021 indicates that this is a 2021 bill.

Mr V.A. CATANIA: I think the member for Moore has asked a pertinent question. When did the Attorney General issue instructions for the legislation to be drafted?

Dr D.J. HONEY: The Attorney General indicated that the overriding philosophy behind this bill is one vote, one value and it is a pre-eminent philosophy that should apply to electorates in Western Australia. My seat of Cottesloe has around 30 000 electors, the seat of Kimberley has 15 735 and the seat of Pilbara has 23 272 electors.

Mr J.R. Quigley: If you want to move an amendment to that, I will accept it.

Dr D.J. HONEY: The Attorney General has stated that he believes it is an affront to this Parliament that there should be any significant inequality in the number of electors per seat and that it should be purely one vote, one value. That is the overriding principle that he has said should apply here. Is it his intention to continue this crusade and to eliminate the advantage to electors in those other seats?

Point of Order

Mr W.J. JOHNSTON: It is not a question relating to the bill. How can the minister answer a question related to something that the member says should be in a different bill?

Dr D.J. Honey: It is perfectly related to this bill.

The ACTING SPEAKER (Mr D.A.E. Scaife): For the benefit of the Leader of the Liberal Party and, in fact, of all members, I am not satisfied that the questions that have been asked so far are relevant to clause 1. I will allow the question to proceed, but there is only so much latitude that I will allow over the next hour. Leader of the Liberal Party, you can proceed on this occasion but I am giving a warning about what I expect from the content of future questions.

Debate Resumed

Dr D.J. HONEY: I asked my question. Is it the Attorney General's intention, because he considers this to be such an overriding matter of principle, such a heartfelt matter of principle for the Labor Party, that he will apply the same philosophy to the seats I have mentioned that have a significantly lower number of electors than nearly all metropolitan seats? He said that it was a critical philosophy that he had to apply in comparing regional seats with metropolitan seats for the upper house. Is it his intention to continue this one vote, one value crusade and apply it to those other seats so that, according to his interpretation, they are also strictly equitable seats because of one vote, one value?

Mr J.R. QUIGLEY: That does not appear in this bill. What I am being asked is whether there is an intention in the future to introduce a new bill that in some way deals with the six large district allowance electorates. In response, I say that I am the Minister for Electoral Affairs. I listen to my Premier, who said that he is going to preserve enhanced voting for regional seats.

Mr R.S. LOVE: Are the words "electoral equality" defined in the bill? Can the minister explain to the house whether electoral equality includes having fair access to the ability to have a vote, because we know that the Mining and Pastoral Region had a 72 per cent rollout in the last election, which indicates that there is no electoral equality for the Mining and Pastoral Region due to the fact that people simply do not have access to a reasonable opportunity to have a vote?

Mr J.R. QUIGLEY: After this bill passes, the member for Moore's vote will have the same worth as my vote. That is what I call electoral equality—simple.

Mr R.S. LOVE: Just to be clear, electoral equality does not mean having the same level of access to the ability to vote; it simply means that if a person ends up voting, their vote has the same weight as the vote of someone else and, therefore, it is okay for regions of this state to go without the ability to have a vote simply because they have not been provided with a postal vote in time or somebody has not rocked up to their community with a booth.

The ACTING SPEAKER: I do not think I heard a question there, Deputy Leader of the Opposition.

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Mr R.S. LOVE: I am asking whether the definition of “electoral equality” extends to the ability to actually participate in an election.

Mr J.R. QUIGLEY: Everyone in Western Australia who is on the electoral roll should have unimpeded fair access to vote. I realise that a couple of things mitigate against that access from time to time and they will be addressed in a further bill. We still have to deal with electoral donations, electoral expenses and all that. I am discussing another bill with the Electoral Commissioner to make it easier for everyone to vote, but it does not fall within the four corners of this bill and I have nothing further to say.

Mr R.S. LOVE: The Ministerial Expert Committee on Electoral Reform discussed these matters in its report, which it presented. The Minister for Electoral Affairs formed this legislation but he did not take on board the concerns it raised about equity of access. Is the Minister for Electoral Affairs absolutely committing to introduce another bill into this house in this term of government to address those issues?

Mr J.R. QUIGLEY: I am committed to everyone having unimpeded reasonable access to vote. As soon as I get the third reading of this bill through the house, I will be discussing that with the Electoral Commissioner to work out what improvements can be made to the system. This was not the member’s question, but, for example, I do not think—this is only a personal view at this stage—that three weeks of pre-polling is very burdensome. I am unsure whether it offers more access to people or puts more burden on respective candidates for three long weeks, but I will address these matters. I want there to be a fair and equally accessible system for Western Australians to vote. It is very important.

Clause put and passed.

Clause 2: Commencement —

Ms M.J. DAVIES: This clause is fairly standard. The issue that we have tried to raise, both in the second reading debate and publicly outside this chamber, is that given that there was no consultation on the introduction of this legislation prior to the election, the opposition is very concerned that the people of Western Australia did not have an opportunity to have their say on these particular changes. We believe that every Western Australian should be given a chance to voice their thoughts on how these changes will affect them. They deserve to have their say on laws that will ultimately affect how they are represented in the Legislative Council, regardless of what some of the Labor Party’s colleagues think about the roles and work ethic of members in that house. We think that they ultimately should have a say about how they are represented in the Legislative Council in the Parliament. We have publicly stated that a referendum should be held, not only because the public of Western Australia was not afforded the right to have a say on this legislation, but also because it was dissuaded by the Premier that this was even an issue before the election.

The challenge is that we are now debating something that has not gone to a committee because the government has just voted to say that that is not something that it is willing to contemplate. There is no prospect of being able to go through a process whereby the Parliament can interrogate the detail of this legislation outside the chamber. We rely only on the submissions that have been made to a ministerial expert panel that was handpicked by the government. When we start adding all of these issues together with this refusal to invite further scrutiny or even the opinion of the people that it will ultimately impact, there is an opportunity for the government to perhaps include in the legislation—I am foreshadowing that we will move an amendment—that a referendum should be held before the act can commence.

We are very interested, as we have been all the way through, in the opinion of all regional Labor MPs on this legislation. We understand that they are toeing the party line and are unable to say whether they are unhappy or dissatisfied that, firstly, they were not able to have that conversation with their electorate before the election and, secondly, they are not able to stand up for regional Western Australians while they are in this Parliament and are being required by the party to impose these changes, which will ultimately disenfranchise their constituents. We want these members of Parliament to convey their own opinion on electoral reform to their constituents and give those constituents the opportunity to then vote in a referendum.

I go back to the point that the Premier said this legislation was not on the agenda. He was asked again and again, very explicitly. The Premier could have responded to that question in a number of ways before and after the election. He could have said this was a long-held Labor Party ambition and should it have control of both houses of Parliament, the government would absolutely move to introduce one vote, one value and reforms in the Legislative Council. He could have done that. He could have been very up-front with the people of Western Australia. I think it would have changed the conversation in some electorates, without a doubt. I mentioned in my speech on the second reading that I think there would have been real interest from people in the electorate of Warren–Blackwood about the fact

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that not only were they potentially going to have their voices silenced in the state Parliament, but a major industry was also going to be shut down.

Mr R.S. LOVE: I would like to hear more from the Leader of the Opposition.

Ms M.J. DAVIES: Those two quite substantial issues were not taken to the people of Western Australia before the election. The Attorney General and the government rejected the referral of the bill to the Community Development and Justice Standing Committee and we think that is regrettable because it would have given interested stakeholders a chance to come in.

Mr P. Papalia interjected.

Ms M.J. DAVIES: It is wearing pretty thin. There has been a dull nagging sound coming from the Minister for Police on the front bench all day. He is not in his chair and he did not get to his feet once to make a contribution. He has just niggled away at the edges.

Several members interjected.

Ms M.J. DAVIES: I do not need to ask a question. I am entitled to make the point and if at the end of this five-minute period, he keeps interjecting, I will keep talking. I will ask the member for Moore to indulge me a little longer and we will stay here a little longer. There is a raft of people in the house tonight treating this as a joke. It is not. The people we represent, the people we talk to on a daily basis, the people who have raised concerns with us about the impact of this legislation, absolutely want to see that at least someone in this chamber is fighting on their behalf.

Several members interjected.

The ACTING SPEAKER: Members!

Ms M.J. DAVIES: At least someone in this chamber is putting on the record the fact that the Labor Party has brought legislation to the house that will disenfranchise the people of regional Western Australia.

Ms J.J. Shaw interjected.

The ACTING SPEAKER: Member for Swan Hills!

Ms M.J. DAVIES: The people of regional Western Australia will ultimately be silenced in this Parliament as a result of this legislation.

Mr T. Healy interjected.

The ACTING SPEAKER: Member for Southern River!

Ms M.J. DAVIES: They were not given the opportunity to have their say about legislation, which I have to say, Attorney General, will be very difficult to wind back. Kudos to the Attorney General and the drafters for making it difficult for that to be wound back or changed, or for fairer representation to be brought back into the state's upper house.

Mr T.J. Healy: Do your job, then!

The ACTING SPEAKER: Member for Southern River! The Leader of the Opposition has the call.

Ms M.J. DAVIES: Absolutely.

The ACTING SPEAKER: I will hear from the Leader of the Opposition.

Ms M.J. DAVIES: I am absolutely doing my job. I am doing my job by raising the issues of concern that my constituents have raised with me.

Ms S. Winton interjected.

The ACTING SPEAKER: Member for Wanneroo!

Ms M.J. DAVIES: I could do this all night.

Several members interjected.

The ACTING SPEAKER: Leader of the Opposition, can you pause?

Several members interjected.

Ms M.J. DAVIES: I could stand here and say the same thing all night.

The ACTING SPEAKER: Leader of the Opposition, I am not going to get to my feet.

Several members interjected.

Extract from Hansard

[ASSEMBLY — Tuesday, 12 October 2021]

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Ms Mia Davies; Mr Shane Love; Dr David Honey; Mr Vincent Catania; Ms Libby Mettam; Acting Speaker; Mr Peter Rundle; Mr John Quigley; Mr Donald Punch; Mr Bill Johnston; Mr Paul Papalia; Mr David Templeman; Deputy Speaker

The ACTING SPEAKER: I am going to get to my feet; apparently, that is what is needed. I think that this debate deserves the dedicated attention of this chamber. I made my position on interjections clear earlier tonight. Member for Southern River, member for Wanneroo and Minister for Police, you are on thin ice. We will listen to the Leader of the Opposition in relative silence. She has the call. She is entitled to do what she is doing. I will hear from the Leader of the Opposition further.

Ms M.J. DAVIES: I will go back and revise what I said earlier, which is that we believe that every Western Australian should be given the chance to voice their thoughts on how these changes will affect them. They deserve to have their say on laws that will ultimately affect how they are represented in the Legislative Council and the issues that will be heard, how they will be advocated for, and what weight they will be given in both the Parliament and in the cabinet because the government draws its ministers from elected parliamentarians. These changes will have far-reaching ramifications for those communities that I have said and our members have already said are already a long way from the halls of power. They feel disenfranchised and will be pushed aside. We have every expectation that this model of electing members to the Legislative Council will ultimately end up with more members from the Perth metropolitan area and concentrate the views, expenditure, service provision, advocacy and issues management to those issues that people in the metropolitan area are most vocal about. I think that is a poor outcome for the entire state, not just for the people living in regional Western Australia, but they will feel it first. As I said in my second reading contribution, not one person in regional Western Australia has come to me and said that they feel over-represented—not one. I have never heard that in the time I have been involved in politics or as a member of Parliament.

Mr R.S. LOVE: I would like to hear more from the Leader of the Opposition.

Ms M.J. DAVIES: Not one person that I have spoken to in regional Western Australia feels over-represented. They do not come to me and say, “We feel our voices are too loud and that we have too much influence on state Parliament. We have too much influence over the matters that are debated in this chamber and we see too much servicing of our communities in regional and remote Western Australia. We see too much money flowing into the regions from the state budget, compared with our metropolitan counterparts. We see the bureaucracies, bureaucrats and people who are supposed to service us spending too much time in our communities.” That is simply not the case. All that will happen as a result of the introduction of this legislation is that we will see further concentration of representation in the metropolitan area, and regional voices will be further marginalised.

As a result, the opposition will move an amendment to say that we should give the people of Western Australia the courtesy of taking this to a referendum before the bill can commence. That does not mean that the bill cannot pass, so there should not be any worries about supporting the amendment. If the government has such great confidence that this legislation is widely supported across Western Australia, it should have no problem supporting the amendment. The amendment will not stop the bill from proceeding, and it will give the Attorney General and the government the ability to put to the test in the community all the wonderful statements that have been made tonight, extolling the virtues of one vote, one value and silencing regional voices in our state’s Parliament.

I move —

Page 2, line 9 — To delete “on the day after that day.” and insert —

on the day after the day in which it is confirmed that a majority of electors voting at a referendum held in accordance with the *Referendums Act 1983* support the electoral reform changes.

Point of Order

Mr P. PAPALIA: I refer to standing order 177(1), which states —

Any amendment may be moved during consideration in detail and to any part of a bill, provided it is within the subject matter of the bill or pursuant to a motion on notice to extend the scope of the bill.

I would suggest that this amendment is not within the scope of the bill and is therefore not compliant with standing orders.

The ACTING SPEAKER (Mr D.A.E. Scaife): There is no point of order. I am satisfied that the amendment is within the subject matter of the bill.

Debate Resumed

Mr R.S. LOVE: I want to ask the Attorney General whether he would like to respond to the Leader of the Opposition’s assertion that there has not been adequate discussion with the community about the merits of this legislation. As we know, the government did not go to the election on this issue. In fact, the Premier told the community that it was not on the agenda and gave the community a very strong indication that no changes of this nature would be introduced. Western Australia went to the polls on that basis and members were elected. Some of

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those members were elected into the other place, which gave the government a theoretical absolute majority in that chamber, if they all toe the line. Upon that occurring, the government took it upon itself to venture down the path of developing this legislation.

I ask the Attorney General whether he agrees with the Leader of the Opposition that he lacks a mandate for the introduction of this legislation and that it would, in fact, be appropriate to go back to the people of Western Australia, bill in hand, and say, “Do you support what I propose to do? Do you support robbing regional people of their voice within the Parliament?” On that basis, we would abide by the decision of the people of Western Australia.

Mr J.R. QUIGLEY: I do not agree with what the Leader of the Opposition said. I will go through several of the propositions that she put. She said that the people of Warren–Blackwood will be disenfranchised by this bill. Without being rude, I suggest that the Leader of the Opposition should go back to the definition of “disenfranchising”. There is no disenfranchising of anyone. In fact, Ms Jane Kelsbie, the new member for Warren–Blackwood, is a fantastic member and is the voice of Warren–Blackwood. She is ably supported in that task by Hon Jackie Jarvis, whose office is in Margaret River, Hon Alannah MacTiernan, whose office is in Albany, and Hon Dr Sally Talbot, whose office is in Eaton. I totally reject the silly notion that this bill disenfranchises the people of Warren–Blackwood. I also equally reject the proposition that the voice of the people of Warren–Blackwood has been silenced in this Parliament.

Finally, on the matter of the consultation on the bill, no electoral reform has been introduced into this Parliament in which prior to its coming into Parliament an expert committee has advertised statewide for submissions and then a discussion paper of two alternatives was published and 184 submissions received. I reject that proposition by the Leader of the Opposition as well. I return to the point that no referendum was held when the doyen of the Liberal Party, Sir Charles Court, brought in amendments, which did a lot of things, to the Constitution Acts Amendment Act. There were not even any advertisements asking for people to put in submissions. Nor was there any consultation with the public, let alone a referendum, when the Leader of the Opposition was a member of the cabinet in which Premier Barnett introduced two tranches of changes to the Electoral Act. Madam, thou speak with a forked tongue.

Division

Amendment put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the noes, with the following result —

Ayes (6)

Mr V.A. Catania	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)

Noes (37)

Mr S.N. Aubrey	Mr W.J. Johnston	Mr Y. Mubarakai	Dr K. Stratton
Mr G. Baker	Mr H.T. Jones	Mrs L.M. O’Malley	Mr C.J. Tallentire
Ms H.M. Beazley	Mr D.J. Kelly	Mr P. Papalia	Mr D.A. Templeman
Ms C.M. Collins	Ms E.J. Kelsbie	Mr S.J. Price	Mr P.C. Tinley
Mr R.H. Cook	Ms A.E. Kent	Mr D.T. Punch	Mr R.R. Whitby
Ms D.G. D’Anna	Dr J. Krishnan	Mr J.R. Quigley	Ms S.E. Winton
Ms K.E. Giddens	Mr P. Lilburne	Mr D.A.E. Scaife	Ms C.M. Rowe (<i>Teller</i>)
Ms M.J. Hammat	Mr D.R. Michael	Ms J.J. Shaw	
Mr T.J. Healy	Mr K.J.J. Michel	Ms R.S. Stephens	
Mr M. Hughes	Mr S.A. Millman	Mrs J.M.C. Stojkovski	

Amendment thus negatived.

Mr V.A. CATANIA: On the day this legislation receives royal assent will the minister work out what the resources will be for those 37 members of the Legislative Council? Currently, there are different resources for different areas in different regions because of their vastness. Will the minister have an understanding, or does he know now, of what those resources will mean for those 37 members of Parliament? If he took advice from the member for Bunbury, he probably would not give them any resources, because according to the member for Bunbury, they have done nothing in the history of being the upper house.

I just want to get that on the record again! The member for Bunbury, the Minister for Fisheries, bravely just said that all members of the other house, including his own Labor colleagues, his comrades, have done nothing in the history of the Legislative Council. Given that, will the minister reflect on what the member for Bunbury has said and perhaps cut those resources for the Legislative Council or will he provide us with what those new 37 members of the Legislative Council will get to be able to represent their constituencies, which under this bill

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will be the whole of Western Australia. They will include far-flung places like Wiluna, Warburton, Warakurna and so forth, all the way up to Wyndham in the Kimberley. Will the minister provide enough resources for those 37 members of Parliament to travel and represent their constituencies?

Mr J.R. QUIGLEY: The resources do not fit within the rubric of clause 2 and therefore I choose not to answer.

Ms M.J. DAVIES: With great respect, Attorney General, the question asked by the member for North West Central was: will there be an understanding and knowledge of what resources will be required before the bill commences? It refers to creating an additional member of Parliament.

Mr W.J. Johnston interjected.

Ms M.J. DAVIES: Mr Acting Speaker, I do not actually need any help from the peanut gallery, thank you.

Mr W.J. Johnston: You need help from somebody!

Ms M.J. DAVIES: Actually, I do not. I am asking a question about the commencement of the legislation, which is the title of the clause that we are on. The question that the member for North West Central asked was about whether the resourcing implications will be known prior to the act commencing.

Mr W.J. Johnston: That is a second reading question.

Point of Order

Mr V.A. CATANIA: Clearly, we have two other chairs opposite.

The ACTING SPEAKER (Mr D.A.E. Scaife): There is no point of order. Sit down, member for North West Central. I am not going to entertain points of order like that either. The member has been in this place long enough that he should know better than to raise points of order like that. The Leader of the Opposition has put a question. I am allowing it.

Debate Resumed

Mr J.R. QUIGLEY: Although it does not fit within the rubric, I am considering a response. A brief response is that it is up to the Salaries and Allowances Tribunal, to which a letter has already gone asking whether it will, if this bill passes, undertake an assessment for regional members so that they are appropriately resourced.

Ms M.J. Davies: Before the commencement of the bill?

Mr J.R. QUIGLEY: Before the election. The Salaries and Allowances Tribunal could not do it before the commencement of the bill. It is appropriate that the members who are currently serving enjoy their current entitlements. In the next Parliament, if this bill passes, it will be different. The Salaries and Allowances Tribunal, not the government, has to give consideration to those members who are truly regional members—those who are based in the regions; their offices are in the regions. Allowances are made now. It will be the government's submission to the Salaries and Allowances Tribunal that those allowances continue for regional members in the future. I am not going to get into a debate about what the resources will be during the course of the debate on clause 2, but I thought I would give that little bit of insight.

Mr R.S. LOVE: I appreciate that the Attorney General does not want to go into those comments about resources, but as part of this discussion, has a costing been done of the total costs that the state will incur as a result of this legislation coming in? I know that the Attorney General said that the Salaries and Allowances Tribunal will determine some matters, but there are other implications with the increase in numbers in the chamber. The Premier has already indicated that there will be extra resources in terms of staffing, which is not a matter for the Salaries and Allowances Tribunal as I understand it. Has the cost of the commencement of this legislation and the actions forecast within it been calculated?

The ACTING SPEAKER: I have allowed the Deputy Leader of the Opposition to make that statement, but I make the point that although the original question from the member for North West Central and the Leader of the Opposition did link the issue to the subject matter of the clause, it was not exactly an elegant piece of work. I have allowed it to go on for two questions; I am not allowing it to go on any further. I am not ruling that question in order.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 47 amended —

Ms M.J. DAVIES: Clause 4 provides that the Council cannot continue to operate if the election has wholly failed or has been declared absolutely void. What would it take for an election to fail or be declared absolutely void? Perhaps the minister could explain the clause to me as a start.

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Mr J.R. QUIGLEY: Clause 4 amends section 47, so the Council cannot continue to operate if an election fails or is declared absolutely void, and that is because under the current system with the six regions if an election fails in one particular region, the Council can go on. When it is a whole-of-state election, it will not be able to go on. If the whole-of-state election fails, there are no members left to conduct the business. The Electoral Commission would deem that the election is wholly failed if no candidate was nominated or no candidate was returned. In that case, a new writ would be issued for a supplementary election.

In addition, prior to the amendments in section 88, the Council election would be deemed to have wholly failed if a candidate dies between the nomination and the close of polls. The Court of Disputed Returns has the power to declare an election absolutely void in circumstances when illegal practices were committed in relation to the election, which is to be found under section 162 of the act. If an election is declared absolutely void a new election is to be held, so stipulates section 172. When an election is void if a person is not qualified as elected under 76A or 76B of the Electoral Act, it can be contested in the Court of Disputed Returns. If an election is declared absolutely void, a new election must be held.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 5 replaced —

Ms M.J. DAVIES: I understand that this is the clause that deals with increasing the number of members from 36 to 37 and for them to sit for the whole state. This is essentially one of the more important clauses in the legislation. I note that the explanatory memorandum states —

Having an odd number of Council members makes it easier for a party that wins a majority of votes to win a majority of seats.

Given that the Legislative Council is a house of review, can the minister explain the rationale? There was no recommendation of this from the ministerial expert panel. This is something that has been brought to the legislation by government. Understanding the rationale would allow me to frame my next series of questions more accurately.

Mr J.R. QUIGLEY: Certainly. It occurs that this chamber has 59 members. It will never deadlock. We did not want to see any situation in the future of a deadlocked chamber because of numbers of members—18 held by the government and 18 held by the opposition, whichever party is in government or opposition, it does not matter. If the conservative parties win a majority in the upper house under the present system, they have to supply the President. Out of the 36 members, they have to supply the President, so they would already be down to 17 members. The best that can happen from there is a deadlock because the President can use his or her casting vote to vote with the government and achieve 18—all. I do not think it is in the interests of democracy to have deadlocks. A government that gets elected or a party that gets a majority in the Legislative Council should be able to exercise the vote of the majority. It is the same in the House of Representatives of Australia. It has 151 members so there cannot be a deadlock. There cannot be a deadlock in this chamber; there are 59 members. It makes sense to have an odd number of members. I would rather have reduced the number from 36 to 35.

Ms M.J. Davies: We could have done that and had a referendum at the same time, Attorney General!

Mr J.R. QUIGLEY: That is it, but Sir Charles Court introduced a section that said we cannot reduce the numbers in the Council other than by way of an expensive referendum. It was more expensive to go to a referendum to try to get it down to the odd number of 35 than it was to build it up to 37 members. I would rather see the Council, frankly, reflect the Councils in other states that have approximately 50 per cent of the numbers in the Assembly, as in New South Wales, Victoria and South Australia. I think South Australia has 22 members and Victoria has 44 members, with 88 members in the Assembly. That is not possible here. I do not want to keep on increasing numbers in the Council. I just wanted to get it out of a situation by it being numerically impossible to have a deadlock.

Ms M.J. DAVIES: Can the Attorney General draw my attention to any occurrence of a deadlock in however long we have had the system in place with six regions and six members of Parliament? Has there been a case of deadlock in the Legislative Council under the current situation?

Mr J.R. QUIGLEY: I am sorry; I do not have that before me, but I know there is a convention that when a casting vote is exercised, it is exercised to preserve the status quo. They might not have achieved deadlock; they might have just hit still water when the President exercises his or her vote to preserve the status quo, to keep the issue live and not vote through the legislation. The convention from Westminster is that the casting vote will be used by the Presiding Officer to keep the question live. They do not have a deliberative vote. Here, the Presiding Officer has a deliberative vote.

Extract from Hansard

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Ms M.J. DAVIES: The convention is that it preserves the status quo. That vote is not being used to change the outcome of what is in front of Parliament.

Mr J.R. Quigley: I have seen it here, but it should not.

Ms M.J. DAVIES: The convention says that that is how it should operate. So I am clear: the introduction of 37 members will potentially change that and perhaps somewhat politicise the role of the President, when they should be playing a more neutral role.

Mr J.R. QUIGLEY: It removes it and clarifies it. It is not changing it. Just think about it: 37 people; it is a close election; a party gets 19 seats in the Council versus 18, which is 37; got to supply one to the chair, the President; they can still end up in a deadlock situation at 18–all; the President exercising a casting vote in accordance with the convention. Generally speaking, having an odd number avoids a deadlock. It is just numerical and that is why we have done it.

Ms M.J. DAVIES: Is that rationale of having an odd number present in other jurisdictions? Is that what the government has looked to for setting this up in the new system?

Mr J.R. QUIGLEY: Not in all of them. I would like to make a correction. I said there were 44. In New South Wales, there are 93 in the Assembly and 42 in the Council. That is an even number. We do not just have to follow them. This is only done, not for political advantage, but just to say that a chamber with an odd number in a deadlock is remote. Tides come in and tides come out—we saw it in 2013 and 2017. It will be the same when the tide goes out on us and comes in. The Council will have an odd number of members, which is far more likely to see things moving along, especially when, as members have pointed out, it might not be one party or a coalition that controls the Council. There might be three or four crossbenchers if they are elected on partial quotas. In those situations, it is good to avoid a deadlock—it keeps the state moving.

Ms M.J. DAVIES: This was not one of the recommendations from the ministerial expert committee, so I am just wondering from where the government sought advice for this, or was this a remedy that the minister has created? Who did the minister speak to, essentially, to arrive at this solution and what formal advice did he seek, particularly in relation to the workings of the Legislative Council? Was it the President of the Legislative Council and those who are involved in managing the Council now? Was legal advice sought; who did the minister seek advice from in relation to this?

Mr J.R. QUIGLEY: There is no formal documentation of recommendations. This matter came out of cabinet and I do not want to discuss the matters that happened in the cabinet room. It was a cabinet decision to go with an uneven number. I told the cabinet we could not reduce it to 35, so if the cabinet wants to have an uneven number, we had to add one. That is because Sir Charles Court introduced that manner-and-form provision that said it cannot be reduced without a referendum.

Mr R.S. LOVE: The minister said that the rationale for this decision to have an odd number is to avoid a deadlock. If there is an even number and the President has a casting vote but not a deliberative vote, that means there would not be a deadlock at any point.

Mr J.R. Quigley: You would.

Mr R.S. LOVE: Half of 36 is 18. A party that wins a majority has got —

Mr J.R. Quigley: Seventeen on the floor and one in the chair.

Mr R.S. LOVE: Yes; then there is no deadlock—effectively there is no majority.

Mr J.R. Quigley: The President will have a casting vote.

Mr R.S. LOVE: Yes, a casting vote, but not a casting vote when it is 17–18.

Mr J.R. Quigley: There will be 17 on the floor and one in the chair.

Mr R.S. LOVE: Then there will not be a deadlock. Effectively, the government will not have a majority.

Mr J.R. Quigley: No; the President will have a casting vote.

Mr R.S. LOVE: Yes; he will have a casting vote but not a casting vote when it is 17–18. The minister is introducing a system that will encourage a deadlock, as far as I can see. Furthermore, the minister's own explanatory memorandum does not mention that. The rationale is —

This increases the number of members from 36 to 37. With an even number of seats, the vote required to secure a majority of seats is above 50%, often significantly so. Having an odd number of Council members makes it easier for a party that wins a majority of votes to win a majority of seats.

That is a different explanation from the one the minister gave, which was all about deadlock on the floor of the house.

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The Ministerial Expert Committee on Electoral Reform’s deliberations state —

The percentage of votes a party would require to win a majority of seats in a region with an even number of seats declines as the total number of seats in that region increases. As Electoral Reform Australia ... submits “*there is no problem with electorates electing even numbers of representative if district magnitude [i.e. the number of members elected in a district] is sufficiently large so that the quota is small enough to avoid electoral stasis*”. This would apply to the two Whole of State options considered in Section 2.1, which involve 18 or 36 members being elected.

The expert panel does not agree with the explanatory memorandum’s version of why this matter is here and the minister does not seem to agree with the explanatory memorandum. I wonder whether he could outline exactly why we are moving to 37 members, other than it being a decision of cabinet.

Mr J.R. QUIGLEY: I have already answered that. What is in my explanatory memorandum and what I have given here are both valid reasons for why the cabinet will increase it to 37 members—full stop.

Clause put and passed.

Clause 7: Section 8 amended —

Ms M.J. DAVIES: Can the Attorney General explain this clause to me? It refers to the retirement of members periodically. I assume it will deal with elections becoming partially void and the processes for managing that. I am not clear on what clause 7 is trying to achieve. Is it a consequential amendment?

Mr J.R. QUIGLEY: Clause 7 will amend section 8(4) of the Constitution Acts Amendment Act and will provide for the periodic retirement of members. Subsection (4) provides for vacancies following an election failing or being declared void. As set out in the explanatory memorandum, it will amend section 8(4) by deleting the words “an election held as part of” because there will no longer be elections for regions that form part of an election for the Council. There will be an election for the Council for the whole of the state. That is why we are deleting “an election held as part of”. If an election failed in Mining and Pastoral, it would not be a whole-of-state failing; it would be the election failing in only one region.

Clause put and passed.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 1.03 am (Wednesday)
