

**ELECTORAL AND CONSTITUTION AMENDMENT BILL 2011**

*Second Reading*

Resumed from 19 October.

**MR P. PAPALIA (Warnbro)** [3.02 pm]: When debate was adjourned on the Electoral and Constitution Amendment Bill 2011, I had just commenced making some observations on comments the member for Mandurah made during his contribution to this particular bill. In particular I referred to his comments about Golden Bay and Singleton and how that relates to the population data used for electoral districts when boundary changes have been contemplated.

Although not central to his contribution, the member for Mandurah made the observation that people living in Golden Bay and Singleton quite rightly view themselves in some respects as being isolated communities and having more in common with communities to their south in the northern suburbs of Mandurah than communities in the southern suburbs of Rockingham to their north. That would have been a fair observation had it been made a year ago, because in the interim the government has pushed ahead with its substantial development in Golden Bay. The consequence of that is that Golden Bay as a community—perhaps a little insular, perhaps separated geographically from its neighbouring suburb to the north, Secret Harbour—is no longer separated. Already the earthworks for roads and future facilities at the new Golden Bay development are in place. Very shortly that development, which will cater for around 4 500 additional people, will be going ahead. From Secret Harbour and Golden Bay all the way down to Singleton will be one long suburb. I occasionally hear the argument from residents in those two suburbs that they are stand-alone communities—historically they were little coastal villages—but that is no longer really valid. Physically it does not look that way any more. It is worthy of note that one community of interest in that coastal strip perhaps shares more in common with the coastal suburbs to its north in Port Kennedy and Warnbro, for instance, than with the ones further south. Between Mandurah and Rockingham there is a gap of about a kilometre in length. There is no longer a gap of that nature to the north.

I make that observation because it demonstrates how quickly the population is growing in this outer metropolitan area in the southern and eastern suburbs of Rockingham. The electorate of Warnbro, as a result of this recent change to the boundaries, has been left with the highest deviation above the average district enrolment for 2011, which is 23 178. Warnbro has 8.59 per cent deviation. The upper limit set by the legislation, as I understand it, was 10 per cent. I assume that that upper limit of 10 per cent was to try to ensure that representation was as close as possible to being equal.

On the understanding that there is a deviation of plus or minus 10 per cent, some districts will have far fewer people than the electorate of Warnbro has. The point I wanted to make is that, because the population figure used as the determining number is the one the district has two years after the election, in the case of Warnbro, that is significantly out of date. The statistics suggest that the population in the Warnbro electorate deviates above the average by 8.59 per cent. Based on the number of enrolments that I understand come into the electorate every month, it would be in excess of 10 per cent right now. I know that would not necessarily be true of any of the districts in the metropolitan region, but it is very true of this one. When people come to Western Australia for the boom, they come to that outer metropolitan perimeter. One of the areas people really are attracted to, because of affordability of land, proximity to the beach, lifestyle choices, public transport and those sorts of things, is the south and eastern rim around Rockingham. As a consequence, right now I am absolutely certain that the electorate of Warnbro would have well in excess of 10 per cent above the average district involvement. By the time of the next election in 2013, it will probably be in excess of what it was when this process commenced a year ago, so it will be above 15 per cent of the average district enrolment.

I do know how we tackle that. Trying to make projections is always going to be fraught with danger. Five years ago, growth was much slower. Certainly in the last four years, in the time I have been in this place, growth in the electorates that I have represented, initially Peel and now Warnbro, has been consistent. That reflects the growth of the state in general. The pull factors that are driving the growth mean that people will disproportionately come to settle in this area. Perhaps some consideration needs to be given to the upper end of that scale in the outer metropolitan area—or in other electorates, if it is happening somewhere else, although I do not think it is—which enables a reappraisal and a more accurate assessment of the population that we are dealing with.

Effectively, we had a 10 per cent deviation either way, so some thought must have gone into that. It was before my time. I assume it was to ensure that, as much as possible, everyone got equal representation—services were provided by the same number of staff. The same amount of resources is available to each member of Parliament and to a reasonably equal number of electors in the state. This will not be the case in Warnbro. I do not know how we deal with it other than through a reappraisal closer to the finalisation of boundary redistributions, which could take into account those outlying areas. In my view, if any sort of recent assessment had been done, we

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would have found that the population was well above a 10 per cent deviation over the average district enrolment. There needs to be some sort of method of dealing with it. Yes, it may be the case in only one electorate at the moment, but I can see easily that similar electorates to the north east will be potentially impacted in the future. People go there when the boom is on. We can only assume —

**Mr C.J. Barnett:** What is unusual in the area you are talking about is that there are two growth areas growing toward each other. That is not replicated in the north. It is an interesting scenario.

**Mr P. PAPALIA:** That is true. I was looking through the north east hoping there might be some sort of replication, but there is not. I do not recall the deviation in Mandurah but I think it is smaller. It is not that pronounced in Mandurah.

**Mr D.A. Templeman:** It stays the same.

**Mr P. PAPALIA:** It is the same.

**Mr D.A. Templeman:** I think it is negative three per cent.

**Mr P. PAPALIA:** Warnbro is really an individual electorate that seems to be impacted dramatically. The next nearest electorate in the south metropolitan area is Rockingham, which is just over eight per cent. One other alternative, Premier, might be to increase the resources available to a seat that represents a larger number of people. I understand Alfred Cove got an additional computer and staff member. The electorate of Warnbro will comprise significantly more people than the electorate of Alfred Cove. The electorate of Alfred Cove has 1.9 per cent above the average district enrolment. My view, and I think it is quite a fair one, is that probably, conservatively, Warnbro would be well in excess of 10 per cent above. Perhaps we could have a proportional increase in assets and resources for the Warnbro electorate based on Alfred Cove's extra allocation of a staff member and a computer. The Premier is a reasonable man!

**Mr C.J. Barnett:** Perhaps you can work 10 per cent harder!

**Mr P. PAPALIA:** You know I already do, Premier; you know I already do!

**Mr C.J. Barnett:** There is spare capacity there.

**Mr W.J. Johnston:** There used to be an eight-year gap between redistribution. The seat of Wanneroo got to be very, very large, so they had a specific additional allowance for the member for Wanneroo.

**Mr P. PAPALIA:** Thank you very much, member for Cannington. In all seriousness, Premier, I am assuming the argument—the Electoral Commissioner will probably be able to correct me later when I can chat to him—was that that 10 per cent either way of the average was so that members did not get any excess workload or diminished representation for the larger population or, conversely, excessive allocations for a smaller number of people in smaller electorates.

For what it is worth, I think it was worth making that observation at this time because I cannot see it getting any better. The next redistribution will not be until after the next election and it will be two years after that if we keep growing. One thing I agree with the Premier about is that the state is growing dramatically and these areas will continue to draw people in disproportionate numbers. All resources and services provided to those people should be increased proportionately, including democratic representation.

Did I not say, “Member for Rockingham, get ready”?

**The ACTING SPEAKER (Mr J.M. Francis):** No; and you do not have the call now, sorry.

**MR M. McGOWAN (Rockingham) [3.13 pm]:** He caught me unawares, Mr Acting Speaker. It is his military training; he likes to catch people unawares.

I rise to speak on the Electoral and Constitution Amendment Bill. I want to talk about various electoral issues because I think this is the right context in which to do so. The issue of fixed terms, of course, has been around for a long time. To the best of my recollection, legislation was perhaps introduced into the upper house in 2002–03—I do not think it was passed, or even debated—by former Attorney General Jim McGinty, the then member for Fremantle, to put in place fixed terms in Western Australia. That legislation was opposed by the Liberal and National Parties, and from recollection, it was opposed by the various Independents, whether they were Democrats, Greens or the One Nation members who were in the upper house. There was no point in proceeding with the legislation because it was going no further. For a long time it has been part of Labor policy that we should have fixed-term elections. It has now been introduced and, I suppose, to comply with longstanding ALP policy, it is a good thing.

Historically, the great advocate for fixed-term elections was Gough Whitlam. Indeed, some people who knew him well said he could not shut up about the issue. Fixed-term elections and one vote, one value were an

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obsession with him. In the early 1970s the commonwealth Parliament passed legislation to equalise the size of electorates and, essentially, introduced a form of one vote, one value. Prior to that in the commonwealth, there were grave and large discrepancies in the size of electorates. The commonwealth Parliament, with perhaps the anomaly of Tasmania, which is guaranteed by the constitution, now has a one vote, one value system. The commonwealth never got to the position of fixed-term Parliaments. We find in Parliaments around the world that electoral terms run for different lengths of time. Some have fixed terms. From memory, in Australia the two places now with three-year terms are Queensland and the commonwealth. Western Australia did away with a three-year term and went to a four-year term. The legislation was passed in 1988 or 1989 and the first four-year term was from 1989 to 1993. In other jurisdictions, such as Britain, the period between general elections is five years, and in the United States it is four years. The period between presidential elections in France is five years. I have some recollection that at one point it may have been seven years.

**Mr W.J. Johnston:** France is five years for parliamentary elections and seven years for presidential elections.

**Mr M. McGOWAN:** Not anymore.

**Mr W.J. Johnston:** In the US the period is four years for Presidents and two years for their state parliaments and the House of Representatives.

**Mr M. McGOWAN:** The member for Cannington knows a lot about these issues, but I can guarantee that the last presidential election in France was 2007 between Ségolène Royal and Nicolas Sarkozy, and the next election will be in May next year. They have gone to five-year terms, but at one time their elections were held every seven years.

**Ms J.M. Freeman:** Ask the Premier about the NZ elections!

**Mr M. McGOWAN:** I will let him answer that in due course. In any event, different rules apply around the world for terms of office. In the New South Wales upper house, members are elected for an eight-year period. I cannot remember whether there are two arrangements. Historically, an eight-year term in the upper house was a reward for long-serving party apparatchiks on all sides. Members who were voted into the upper house had, essentially, eight years without having to face the electorate, which of course is way, way too long. In other countries presidents are elected for life.

**Mr C.J. Barnett:** That has a certain appeal!

**Mr M. McGOWAN:** The Premier is no doubt enamoured with that. For Muammar Gaddafi, electoral life is a lot longer, although it might be shortly truncated. Perhaps other people might like to be elected for life at a certain point in their life cycle. In any event, other countries have different rules. In this state, a four-year term was put in place in 1989 and it will not be changed. Do I think it is the best of all systems? I used to. I am now in two minds about whether it should be four or three years. Queensland Parliament has a three-year term.

**Mr C.J. Barnett:** I think three years is too short. I think they should make it four.

**Mr M. McGOWAN:** Yes; they could do. The problem with the federal Parliament is that it often goes to the polls much earlier than three years. If it was a fixed three-year term, the arrangement might not be too bad. Historically, federal parliamentary terms went for only about two years, two months. There are a range of examples during the 1950s, 1960s and 1970s when parliamentary terms were two years or less. The most recent example of a significantly truncated term was the 1983–84 federal Parliament, when Bob Hawke went after 18 months; but historically, before that, Robert Menzies never missed an opportunity to call an election if the circumstances advantaged him. That is the way the federal Parliament has historically worked.

If it was a fixed three-year term, it might not be too bad. Personally, I am in two minds about three-year or four-year terms. Certainly I think the French model of five-year terms is too long between elections. We have four-year terms in our Parliament, and that is not going to change. Having fixed terms is probably a wise thing to do. However, it brings into focus a range of broader issues, some of which have been achieved or dealt with, and some of which have not. The big issue, of course, historically for this Parliament was one vote, one value. I went to university in Brisbane. I was there during the Bjelke-Petersen years, and I remember some of the protests and rallies towards the end of his term. The gerrymander—the malapportionment—in Queensland was of course the most crass and gross of all the Parliaments of Australia. That was remedied post-1989 in legislation brought in in 1990. In the case of Western Australia, of course, our malapportionment went under the radar because it was nowhere near as gross as the malapportionment in Queensland, and so it persisted until the Gallop government passed legislation in 2006 to deal with that anomaly.

I think it is unfortunate that we have ended up with the situation that we now have in our upper house. I would criticise the Greens for allowing the situation to be put in place whereby there is now a massive malapportionment in the upper house of Western Australia. I do not object at all to different regions having

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representatives guaranteed to them. But I do object when the votes of some people for the upper house are now worth three or four times the value of other people's votes for the upper house. But, of course, as we all know, the lower house is the house that forms government. It is far more important that we have a properly democratic system in this house. That was a great achievement, and I give full credit to Geoff Gallop and Jim McGinty for passing that legislation. As I have said, I think the Greens deserve some considerable criticism for the way in which they behaved on the issue of one vote, one value. But in any event, in our house, despite all the warnings—I have some clippings here—that if one vote, one value were to come in, the bush would be ignored, and the voice of people in the bush would turn into a whisper, to quote Richard Court, I cannot see that that has happened.

Nevertheless, it brings other issues into focus. I want to deal with two issues in particular. The first is the issue of money in elections, with the American model and what has gone on there, and methods that we could perhaps use to repair that situation. The second issue is the role of an upper house. That is an old chestnut. Upper houses have been around as part of the Westminster system for a long time. In the United Kingdom, the upper house has nowhere near as much power as the upper houses in Australia. But of course the members of the United Kingdom upper house are not elected. There are moves in the United Kingdom by some people to have the members of the upper house elected. I think the United Kingdom should stick with the historic model and not move to the Australian model; and, being the traditional place that it is, it will probably stick with that model. In Australia, our upper house members are elected.

There is one Parliament in Australia that has voted the upper house out of existence. From memory, that was the Queensland Parliament in 1923. The then Labor government, maybe under Premier William Forgan Smith, ensured that the upper house voted itself out of existence. The upper house chamber in the Queensland Parliament is now used as a meeting place, a convention centre, a place where people can hold functions and so forth. It is very well used, I might add. Schools use it. Very good use is made of the upper house chamber. They voted themselves out of existence in 1923.

**Mr C.J. Barnett:** Are you suggesting it is better used now than it was prior to 1923?

**Mr M. McGOWAN:** Unlike the Premier, I was not around then! But I defer to the Premier's superior historic knowledge, based upon personal experience of that time!

There have been other people who have advocated the abolition of the upper house. Gough Whitlam was one. He was an advocate of the removal of the Senate. But there were also other people who did that—prominent politicians. The Acting Speaker (Mr J.M. Francis) might know one of them, and that is the Premier of Western Australia—current, not former.

**Mr P. Papalia:** No! He did not!

**Mr M. McGOWAN:** The current Premier of Western Australia was a great advocate for the abolition of the upper house of the Parliament of Western Australia! That is what he did. The Premier now has the numbers in both houses to pass the legislation.

**Mr P. Papalia:** Both houses!

**Mr M. McGowan:** Yes, both houses. There might be some referendum procedure that would be necessary, but he has the numbers to pass not only the abolition legislation, but also the referendum bill that would allow the referendum to be held. Therefore, the Premier's long-held ambition to abolish the upper house is now open to him. I have raised this issue in this place before, and I have accused the Premier of this, and he has said, "No, I didn't say that. That wasn't what I said. I just said it needs to be more accountable", or words to that effect. Is that correct? Is that what the Premier has said?

**Mr C.J. Barnett:** You are probably referring to an article that appeared in *The Australian*. It was their first Western Australian supplement, and the headline was very bold. But if you actually read the text of what I said, it was a little different from the headline. I do not resile from that. You've got it! Good on you!

**Mr M. McGOWAN:** Funnily enough, Premier, I do have it! But I think the Premier's recollection might be slightly out, one, as to the course of events, and, two, as to what he actually said. I will go through the course of events. This was the first Western Australian supplement in *The Australian*. It was good. They should have kept on with it. It made people go to that page and read about Western Australia. These days we do not get enough coverage. This article is dated Monday, 13 August 2001, and the headline is "Coalition backs one chamber". The article was written by Roger Martin, a very fine journalist by the way. But, if we go back a bit in history to 29 June 1999, in *The Australian*, prior to the Western Australian supplement coming into effect, we see an article headed "Premier hopeful to dump upper house". This article makes very interesting reading, members. Members will enjoy this—those who are not aware of it; I assume most members are not. The article was written by Matt Price, a very fine journalist, and it states —

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Deputy Liberal leader Colin Barnett wants to abolish the Western Australian upper house if he succeeds  
Richard Court as premier after next year's State election.

I suppose the Premier has an out, because he did not succeed Richard Court as Premier in the 2001 election.

Several members interjected.

**Mr M. McGOWAN:** No, I am not going to rub his nose in that one too much! Matt Price is not with us any more, sadly, but this is what he said with regard to what the now Premier, the member for Cottesloe, had to say in the context of the abolition of the upper house —

He said growing financial pressures and increasing battles with the Federal Government demanded a streamlined State parliament next century.

“It will require smaller Cabinets and less portfolios,” Mr Barnett said.

**Mr M.P. Whitely:** He must have known that he was going to have Rob Johnson!

**Mr M. McGOWAN:** Good point! I will continue the quotation —

“We have two small houses of parliament and that is probably a luxury State parliament can't afford.”

The article goes on to quote him as saying —

... “essentially, State government is regional government and there is a need to simplify it and redefine it.”

I will read some more from that article, because it is quite interesting. This is what the now Premier had to say in 1999 about the state election in 2001 —

“My view is we will probably win and it will be a lot closer ... “The forest issue is one we've got to handle better, that's a danger signal.”

He then talks about his failure to run for the federal Parliament in 1998 —

“The people who urged me not to go federal thought it important that I followed Richard,” ...

That is, that he succeed Richard as Premier. I would have to this was probably the now Premier's “*annus horribilis*”, to quote the Queen. I will say something about the Queen in a little while. This was probably his *annus horribilis*, because, as I recall, the Premier said all these things, and then he was beaten to a pulp in the party room, by all accounts, and he had a pretty hard time around the place and he was wandering around the courtyard looking for friends.

I now want to quote what the article goes on to say, bearing in mind what is happening next week, members, because this was just before the republican referendum —

Mr Barnett planned to campaign vigorously for the republican case before the November referendum ...

That is a historical article, but then we go to the 2001 piece, when the Premier was Leader of the Liberal Party in his first iteration —

**Mr C.J. Barnett:** What date is that?

**Mr M. McGOWAN:** Monday, 13 August 2001. The Premier had been Leader of the Liberal Party for six months or so. This is what the Premier had to say —

“The problem in Western Australia is that we have 91 members of parliament split between two houses,” .... “The result of that is that we have two small houses of parliament. That leads to a lack of depth on either side. It limits debate.”

Mr Barnett proposed one house with between 80 and 85 members. “That also would guarantee all parts of Western Australia were properly represented,” ...

The great issue of bicameralism was one that the Premier took up. The then Leader of the National Party, Hon Max Trenorden, had this to say —

“There is no question at all that we should modernise the West Australian parliament in my view and go to a single house,” ...

**Mr W.J. Johnston:** He would be in trouble!

**Mr M. McGOWAN:** He is now in the upper house! The quote went on —

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“You would do it under the proviso that you have a very strong select committee and committee process in the house.”

He may have changed his view on that one. In any event that is what the Premier had to say then. For the sake of completeness, for the benefit of government backbenchers —

**Mr C.J. Barnett:** Do you agree with the points of view expressed there?

**Mr M. McGOWAN:** The Premier raised some very good points, but what I will say about that is this: in the real world I do not think it is going to happen. It is a matter of whether or not —

**Mr C.J. Barnett:** Some of those comments were in the context of the one vote, one value debate that was going on. One of the major concerns, I think, amongst many members was that if we had strict one vote, one value, we would have very large rural electorates and therefore there would be a loss of identity in some remote parts of Western Australia. I think that is a valid issue.

**Mr M. McGOWAN:** I think the Premier raised some good points. That is what Queensland obviously did. If we were to go to that system, we would need to have some guarantees about electoral system resources and so forth. A greater number of members—the Premier suggested 85 or 90—of course guarantees more country representation because there would be more members representing the country. In any event, I do not think it is going to happen. The government has the numbers now to do it; I do not think the Premier will do it even though, as he indicated, he wanted to do it.

**Mr C.J. Barnett:** I do not want to wander through history, but the other point that I was probably talking about is that the size of the Parliament is important. As there are more and more complex issues, Parliament suffers when there is a small chamber. We have two small chambers. There would be a greater breadth of experience, knowledge and capacity with more members on either side. That was one of the comments I was making.

**Mr M. McGOWAN:** I think the Northern Territory would certainly suffer from that, more than us. The House of Commons has 650 members and no-one ever gets a chance to say anything. I suspect at our level, and the number of sitting weeks we have, some of us speak more than probably anyone in any Parliament in the world, with the amount of talking that goes on. I cannot say it is as high in quality as in some other places, but I know we get a fair go.

[Member’s time extended.]

**Mr M. McGOWAN:** The Premier has been outed as a unicameralist, but I failed to read out this last bit. In 2001 the Premier supported members, including backbenchers, having the right to speak freely on a range of issues. The Premier might like to think about that when he is in the party room and comes in here with alternative ideas.

I want to talk about the other principal issue—that is, the role of money in politics. We all know how much money talks in politics. We have watched it grow over the decades in the United States. In the United States, the hunt for donations is fundamental and integral to a politician’s role as an elected representative. If a politician wants to stay in Parliament in the United States, virtually all their time is spent fundraising because they need to raise money to run their next campaign. That is at all parliamentary levels. I am not sure whether it is at those lower levels in which dog catchers, police officers and so forth are elected, but I know that at a parliamentary level a politician spends all his time fundraising. That has to be kept in mind in everything that is done. It is a travesty of democracy when politicians have to run their lives in that way. Hundreds of millions of dollars are spent on presidential campaigns in the United States; in fact, I think spending might have tipped \$1 billion in the last presidential campaign. One cannot say that that does not influence the democracy of that country. It is a credit to them that it survived what happened in 2001 with the Gore–Bush election. One candidate had a million votes more than the other candidate and, through anomalies—some could call it a corruption—of the electoral system in one state, one candidate who had the lesser number of votes was successful over the other. The fact that the United States went on and functioned as it did in light of what was clearly a travesty of the democratic system is a credit to it. I reckon it sent a terrible message to other countries around the world that seek democracy. It is a credit to the people of the country that that is what took place. It is in no way a credit to the system. It was certainly in no way a credit, in my view, to the Governor of Florida at that time.

The point I want to make relates to money issues. It was raised the other day that the donation disclosure threshold has gone up to \$11 000 or thereabouts. The system that was in place of a \$1 500 disclosure threshold was a good system. We had issues surrounding how we should control and limit expenditure. At various points in history one party will raise more money than the other. As I recall, in the 1980s my federal colleagues were far better at raising money than the federal Liberal Party. In the 1990s it turned around. Perhaps in the 2007 election it turned around again and the federal Labor Party was better at raising money than the federal Liberal Party. The results generally reflected who was better at raising money. At a state level, I would say it was

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probably the same in Western Australia. It turns into a hunt for money. Unless donors are rusted-on, true believers in the cause, they donate on the basis—although they would never say it; they very rarely get it—that they then have knowledge of members of Parliament, whom they can call to say hello and so forth. Donations will always be a part of our system. I do not think it can be done away with. There needs to be some moderation of it.

The other day I heard the member for Cannington talk about expenditure limits rather than caps on donations. I suspect that expenditure limits are the best way to deal with it. I want to raise the last federal campaign in Western Australia. In the case of the federal Liberal Party, according to the Australian Electoral Commission return —

**Mr C.J. Barnett:** It is very hard to manage and enforce expenditure limits. There are a lot of issues there.

**Mr M. McGOWAN:** Because third parties might spend money.

**Mr C.J. Barnett:** The in-kind and third party stuff; it is difficult.

**Mr M. McGOWAN:** It is very hard.

At the last federal election in Western Australia, the Liberal and National Parties received, according to these disclosure returns I have, \$5.4 million for the Liberal Party and a bit over \$1 million for the National Party. The federal ALP received \$1.5 million. That is a ratio of six to one in that campaign. One company, Straits Resources, donated \$400 000 to the Liberal Party. I have looked at Straits Resources. I recall that it was the company that wanted to mine salt at Exmouth. “Mine salt” is probably the wrong term, but it had a salt project. It donated \$400 000 to the Liberal Party. It was unsuccessful in getting that approval. I will not go over all the issues surrounding Mineralogy and its close relationship with the National Party, but I saw Clive Palmer recently boasting that he donated more than \$1 million to the Liberal and National Parties. Those sorts of donations, which essentially result in a six to one ratio of donations from one side to the other, impact on democracy. We cannot go to an American system whereby we allow money to decide who wins elections. It is supposed to be a contest of ideas. That extraordinary level of donating needs to be dealt with, but that needs some sort of legislative effort. I think expenditure limits have to be looked at. I would urge a parliamentary committee, if it has not already done so, to go away and look at that issue and come up with a report on exactly how Western Australia might deal with that issue so that we do not go to that American system in which it is a contest of money. Because, although the Liberal and National Parties might be in front at the moment, as I have noticed, and as we have just heard from the quotes of 10 years ago, things turn around, and one day it will be the Liberal and National Parties wondering why the other side is getting all the money and they are not getting any. Things turn around and it is far better that we have a system that removes the incentive for money to talk and for companies to seek, for instance, approvals to make levels of donations of \$400 000 to —

**Mr C.J. Barnett:** Public funding was meant to stop that, but it has not happened.

**Mr M. McGOWAN:** I do not know whether public funding was ever meant to stop it; I hoped it would have some influence, but I think it put a base under parties so they could least operate without threat, hopefully.

I want to talk about one other issue and that is the disclosure returns of members of Parliament. This is another area—it was last legislated, as I understand it, in 1992—that needs some examination. I have my disclosure return here. I have a disclosure return that details everything I own, which is essentially a house. That is what is listed on my disclosure return. That is that one. I got out a couple of others just to have a look around the place. I got out some disclosure returns of other members; they might exist for members on all sides. I think that some members own different property in the nature of shares, which is hidden by a trust. Therefore, a trust is listed as the property; the trust is the owner of the shares and we do not know which shares they are. If a member is a minister and his responsibility is to deal with companies and make decisions on companies and the public cannot find out about a minister’s shares because the trust owns the minister’s shares, how is that transparent and fair? I will not even name the ministers; I do not want to make this a political attack, but I have a couple of disclosure returns from ministers of the government and both listed trusts that hide the shares they might have in corporations that the minister or the government may well be making decisions on.

**Mr C.J. Barnett:** You’ve also got ministerial disclosures, as you’re aware.

**Mr M. McGOWAN:** But they are not public, are they?

**Mr C.J. Barnett:** No, but they go further than the general parliamentary ones, and I think they are adequate.

**Mr M. McGOWAN:** We might find that if the Parliament had a chance to examine these issues, Parliament would find things. I mean, I know what it is like to be a minister; they sit in cabinet, it is all very busy and so forth. We might find that Parliament finds conflicts of interest that the minister does not. I think in the interests of transparency that should be done away with.

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I want to close with one last thing, I cannot resist it. I had a look at the disclosure return of the Attorney General, and he is like me; he is pretty low on the asset base. He attached a letter to the annual return that stated —

Dear Sir

**Pecuniary Interest Disclosure: Annual Return FY 2010–2011**

...

The information included in this letter is provided by way of discretionary disclosure in respect of those matters which may conceivably fall within Part 11 of the Annual Return. I note here that I disclose these matters out of prudence rather than because they appear to me to present any actual or potential conflict of interest with respect to my public duties as a Member of the Legislative Assembly of the Parliament of Western Australia or as a Minister occupying the portfolios of Attorney-General and Minister for Corrective Services in the period up to 14 December 2010 or, since that time, of Treasurer and Attorney-General.

It is comic genius as we go through this! Members should have a read just to see that not only does the Attorney General speak that way, he writes that way as well!

Premier, I raise those issues about donations and the annual return genuinely, without meaning to be political about it, and I hope that as part of the Premier's summing up of this legislation he considers those issues as well.

**DR A.D. BUTI (Armadale)** [3.43 pm]: I was enthralled by the member for Rockingham's contribution on the Electoral and Constitution Amendment Bill and —

**Mr C.J. Barnett:** You need to get out more!

**Dr A.D. BUTI:** — he mentioned Richard Court. This morning I had the opportunity to attend the thirty-first anniversary assembly of Cecil Andrews Senior High School in Armadale, which was opened by Sir Charles Court in 1980. Since then, the Court family has continued a linkage to the school and every year it presents a scholarship at the assembly. Ken Court was there to do the honours this morning, and he donated a couple of copies of the recently published biography of Sir Charles Court. I was wondering, with the member for Rockingham's quoting of the current Premier's past media statements, whether the member for Rockingham is maybe penning the Premier's biography, because he seems to have a great knowledge of the Premier's public statements of the past 10 years.

**Mr M. McGowan:** It certainly wouldn't be a hagiography; I can tell you that!

**Dr A.D. BUTI:** I am sure it would not be!

**Mr C.J. Barnett:** It would be very short one!

**Mr M. McGowan:** No; it could be quite long and involved; I would table it in here to get privilege!

**Dr A.D. BUTI:** I am very keen to speak on this matter today because, really, is it not fantastic that we can stand up here in Parliament and talk about elections—we can talk about whether we should have fixed-term elections, how long they should be, issues of public disclosure, issues of donations, et cetera—because of course, as we very well know, in many countries there is no such thing as a free election. When we have elections here there may be a change of government, but when we have a change of government what happens? A new set of people come in. There is no bloodshed. There may be many tears; I am sure there were many tears on the Labor side when we lost in 2008. There may be tears shed, but not blood, which I think is something that we must always be very proud of and hope that it will continue.

In respect of the whole issue of free and frank elections, and elections that reflect society's views, we of course have to guard against issues that may actually poison that process. The member for Rockingham mentioned a couple of issues that I will address shortly, which may be a threat to democracy due to certain things like donations. In respect of the legislation before us, much of it really deals with fixed terms of government. I have always been in favour of fixed-term elections, and I will mention some of the reasons for that shortly, but unlike the member for Rockingham and others—probably most of the people on my side—I am actually in favour of five-year terms. Four-year terms are acceptable, but three-year terms are ridiculous, especially, as the member for Rockingham mentioned, in the federal sphere, where terms are not fixed and most Parliaments run for less than three years. I think whichever side is in government needs to have some years to plan through its agenda and I think a five-year term is better for proper governing and in the end —

**Dr M.D. Nahan:** Are you in favour of fixed five-year terms?

**Dr A.D. BUTI:** Personally, that is my view.

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**Dr M.D. Nahan:** What about the problem where it would be a problem of a failure in government in three years then?

**Dr A.D. BUTI:** The issue is that if government cannot obtain the confidence of the house, of course elections should be called.

**Dr M.D. Nahan** interjected.

**Dr A.D. BUTI:** I know it is not the same thing, I understand, but I still believe that in the end, when weighing up and balancing between a bad government in three years or trying to get better governments by having a longer term, I would go for the longer term. That is just my personal view—it is obviously not a party view—but I think it would accord better government. The whole issue of fixed terms is interesting because there are international legal obligations that really support the whole issue of periodic fixed-term elections, and I will talk about that shortly. The member for Rockingham also mentioned other countries or other jurisdictions in Australia where there are fixed-term elections. There are actually many places around the world where there are fixed-term elections, as was mentioned by the member for Rockingham, and there also have been moves in the last few years for some countries to move to fixed-term elections. In New Zealand last year, there was a discussion about moving to fixed-term elections. In the United Kingdom there are five-year Parliaments, which maybe goes to the point raised by the member for Riverton. They are not actually fixed terms; they are five-year terms in the UK, but the government is allowed to go early. I quote from a *BBC News* report from 15 December 2010 —

The government’s plan to introduce five-year fixed-term parliaments will make politicians less accountable to voters, peers have warned.

It was mentioned that a five-year fixed term does not allow for proper accountability to the public. According to that report, the Lords Constitution Committee also stated that fixing the length of Parliament to five years would mean “less frequent elections and make the legislature less accountable not more”. The news report went on to say that —

... the term should be set at four years, as is the case for the devolved administrations in Scotland, Wales and Northern Ireland.

...

The coalition, for whom Deputy Prime Minister Nick Clegg is leading a program of constitutional reform, says fixed-term parliaments will bring greater stability to UK politics.

In October, Mr Clegg told the committee: “It’s a combination of providing a length of time with which people are familiar and which allows governments at least maybe four of those five years... to get on with governing properly for the benefit of the country, combined with taking away from the executive this ability to capriciously time the election for nothing more than political self-interest.”

I must say that I totally agree with the Deputy Prime Minister of the United Kingdom. I believe the term of government should be fixed and I do not agree that a five-year term will reduce accountability. And a fixed term will remove the executive’s ability to use the system to its own advantage.

I have mentioned New Zealand and the United Kingdom, but even Barbados—I am sure the cricket-loving people of this house know a lot about Barbados—is seeking to move to fixed-term elections.

Canada is very interesting because of the many similarities between our two countries. We know that Canada is part of the commonwealth and presumably its head of state is arriving next week for the Commonwealth Heads of Government Meeting; I am not sure, but I presume so. Interestingly, the federal vote in Canada is not fixed term, and the minority government went to the polls earlier this year or late last year because it lost the confidence of the house, only to end up with an increased majority. However, most Canadian provinces have fixed-term elections. British Columbia was the first jurisdiction in Canada to adopt fixed-term elections, in 2001. Elections are held on the second Tuesday in May every four years. Manitoba passed an act in 2008 to hold elections on the first Tuesday in October every four years. Saskatchewan has also turned to fixed-term elections every four years, with the first being in November 2011. Ontario is moving the same way. New Brunswick will hold fixed-term elections every four years, as will Newfoundland, Prince Edward Island and the Northwest Territories. All these Canadian provinces have moved to fixed term elections every four years. As I have stated, I prefer a five-year term, but the consensus seems to be that it should be four-year terms. British Columbia introduced fixed terms in 2005 and Ontario, Newfoundland and Northwest Territories in 2007. I have already mentioned that the Canadian federal elections are not fixed terms, but will move to fixed terms. The next Canadian federal election will be on the third Monday in October 2012 and elections will be held every four years thereafter. New Brunswick moved to four-year fixed terms in 2010 and Prince Edward Island,

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Saskatchewan and Manitoba recently moved to four-year terms. Of course the move to four-year fixed terms in Western Australia is in accordance with what is happening in many overseas jurisdictions.

I have mentioned that there are a number of international legal obligations in respect of elections and arguments can be made that they support fixed-term periodic elections. The international law covenant most turned to is Article 25 of the International Covenant on Civil and Political Rights, which states —

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

...

- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; ...

From that we understand elections have to be periodic. Although it does not, in itself, demand fixed-term periodic elections, one could argue that genuinely periodic elections and the requirement for universal suffrage et cetera are required to create a level playing field. Nick Clegg, the Deputy Prime Minister of the UK, remarked on the need to remove the power of the executive to call elections to suit itself; a remark which I believe supports not only the move to fixed-term elections, but also the legal obligations encountered in Article 25 of the ICCPR, to which Australia is a signatory. Article 21 of the Universal Declaration on Human Rights also supports such a move.

Interestingly, it may counter my argument in favour of five-year terms because the United Nations' human rights committee requires that the time between periodic elections not be unduly long. However, the issue could be one of what is determined to be "unduly long". I do not see five years as unduly long. In France, the president is elected for, I think, a five-year term. In Mexico the term is six years, but the incumbent can serve only one term.

**Mr A.P. O’Gorman:** In Ireland it is seven years.

**Dr A.D. BUTI:** In Ireland the term is seven years. That may be a bit too long. Is it for one term only? Can you be re-elected?

**Mr A.P. O’Gorman:** The President can.

**Dr A.D. BUTI:** The member for Rockingham raised some of the issues that I intended to raise, including money and donations. The member is right when he says that money is a very significant factor in our democratic process—in particular the election process. There is no doubt that the more the money spent in an election campaign, the greater the chance of maximising the vote. It may not necessarily produce a win, but it will maximise the vote. Of course, the federal Labor government in 1991–92, just after Keating took over from Hawke, tried to bring in some restrictions on political advertising. Of course, that was challenged in the High Court. As we know, the High Court struck down the legislation. Legislation was put in place to restrict the degree of advertising in the media albeit I am not 100 per cent sure whether it applied to both electronic and print media. It definitely applied to political advertising. The networks went to the High Court because political advertising during an election period is a great money earner for the networks. The High Court struck down the legislation, arguing that it was unconstitutional. Nowhere in the Constitution does it say that the legislature does not have the power to ban political advertising. However, the High Court said there is an implied freedom of political speech and the argument mounted was that to curb political advertising, was to curb free political speech—free in the sense of liberty; not free in the sense of money.

However, one must understand that during that period the High Court was one that seemed to be very ready to imply rights in the Constitution. I wonder, if that case would come before the High Court today, whether the High Court would strike it down. In recent times, the High Court has been seen to be less enamoured to imply rights in the Constitution. Legislation has been tried at the federal level. I say it should be tried again. It may even be possible for a state Parliament to bring in legislation to restrict political advertising at state elections. Unless the federal legislation has clauses about state elections—although I cannot see how that would be constitutional—it would not be in contravention of any federal legislation and therefore the legislation would not be struck down under section 109 of the Federal Constitution.

I would be in favour of a curb on political advertising and political donations. When the member for Rockingham mentioned that, the Premier by way of interjection said that there is a problem with third party endorsement and advertising. Of course, that is the main problem. There is no doubt about that. If we put a cap or restriction on parties engaging in political advertising and revenue raising, what do we do about third party endorsements? I agree that it is a very difficult problem. I believe that the member for Rockingham's view that a parliamentary committee should be established to investigate these matters has a lot of merit and should be

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considered. I think our political process is being tarnished and eroded by the influence of money. I am a champion of fixed public funding of campaigns. I could not find it, but there is a very, very good article, as the member for Rockingham would agree, in the *University of Western Australia Law Review*, which I am sure the Attorney General reads.

[Member's time extended.]

**Dr A.D. BUTI:** In around 1993 or 1994 an article was published in the *University of Western Australia Law Review* by a visiting United Kingdom academic with the surname of Ewing, who advocated that we should remove political donations and have purely public funding of campaigns. If that could be properly arranged and we could prevent third party endorsements, I do not think that we could say that it would favour the conservative side of politics or the Labor side of politics. Of course, when this argument comes up, we say that the Liberal Party receives money from big business, so that will help curb that donation, and the Liberal Party says to us that we receive funding from unions.

**Dr M.D. Nahan** interjected.

**Dr A.D. BUTI:** I will get on to that shortly.

To remove the ability of corporations or unions to fund campaigns and instead have public funding of campaigns would be a better system. The member for Riverton mentioned that it may favour incumbents and he may be correct, but not necessarily. The funding would not be done necessarily on the basis of the funding of current members; it would be funding for each seat, for instance. Say there are 30 seats, each party would receive \$50 000 or \$100 000 for each seat. Therefore, it would not necessarily favour incumbents. No doubt we could argue that the current system favours incumbents. Incumbents can often attract more funding and their profiles are increased through their normal electorate work. It is even worse at the federal level though, because, I believe, under John Howard, it allows incumbents or federal members to openly campaign from their offices. That is a problem, of course. That is definitely a problem with which we need to deal.

I believe that fixed-term elections are good for our democracy for a number of reasons. I have already alluded to some of those reasons. One is that it removes the ability of the executive to play with the political process to its advantage, whichever side is in power. It also, arguably, improves the management of the election process, because the Electoral Commission would know when the elections would be held. I remember that before the last federal election there were a couple of false alarms and schools were contacted and told that they needed to ensure that they would be available for X, Y, Z days because a federal election may be called. By having a fixed-term election, we would remove that uncertainty; we would know when the election would be held. The Electoral Commission could ensure that it had the proper papers and the polling booths in order and that process would be improved. Also, I believe that a fixed-term election would help to create a more level playing field. Everyone would know when the election would be held, so it could not be used to the advantage of any particular party.

**Mr C.J. Barnett:** I think the bigger problem—I should not be saying this from the government benches—is really the misuse of being in power. I will pick on the last election and the Building the Education Revolution signs around schools; I think that was a disgraceful act. I am not saying that either side of politics is pure, but that was a disgraceful abuse of incumbency.

**Mr M. McGowan:** What was?

**Mr C.J. Barnett:** I am picking on you guys, but the BER signs being put around schools when schools are used as polling booths. I am not saying that either side is guilty or perfect. There is another example in the state's history. I think that is probably a bigger issue. The use of advertising campaigns, I would describe often as more political than of genuine information and content for the community. Some checks on that are in place now. I think that has been a feature. It was a feature on both sides of federal politics in recent years—strongly.

**Mr W.J. Johnston:** In respect of the BER schools, those schools that were being used as polling booths, the signs were required to be covered up.

**Mr C.J. Barnett:** After protest, yes.

**Mr W.J. Johnston:** That is what happened; they were covered up. There are checks and balances. I make another point. At the moment there are Water Corp ads that refer to the actions of the Water Corp with the state government. When Labor was in power, we never ever used Water Corp money to mention the state government. These things happen all the time, as you say, and it is happening right now on our televisions.

**Mr C.J. Barnett:** I am not trying to make a political point.

**Mr W.J. Johnston:** I am not either; I am just making the point.

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**Mr C.J. Barnett:** I think there is an issue there about incumbency —

**The ACTING SPEAKER (Mr A.P. O’Gorman):** Members! I know that this is fairly congenial across the floor, but the member for Armadale has the call and it is the member for Armadale who I really need to hear.

**Dr A.D. BUTI:** The Premier made some interesting points. It will be a work in progress, but we have to do whatever we can to ensure that neither side uses their position as the executive to political advantage, besides the normal political advantage that we would hope comes from good decisions.

I refer to the whole issue of the poisoning of our democratic process by money and donations and advertising. The member for Rockingham said that he is amazed by the democracy that still exists in the United States of America. I am not so sure that there is a proper system of democracy in the US anymore. I think that its system is bankrupt not only financially but also from a political point of view.

I was in the USA in 2001 during the Gore–Bush election and it was farcical to listen to the commentary occurring at the time. The problem with the decision to award Florida to Bush was that it was a political decision made by the Supreme Court of the United States. Unlike the High Court of Australia, the Supreme Court of the United States is a political institution; it is not only a legal institution as our High Court is. I think we would be hard-pressed to find more than a handful of judges who have served on the bench of the High Court of Australia and who have made it their ambition or modus operandi to achieve a political outcome in their decisions.

**Dr M.D. Nahan** interjected.

**Dr A.D. BUTI:** There would be less than a handful. In the US, nearly all of them have a political bent. That decision in Bush v Gore was disgraceful. Justice Scalia’s decision was an absolute disgrace. It was nothing more than a political decision. We do not need to worry about that in good old WA; we are looking at fixed-term elections.

I congratulate the government for bringing this bill before the house. We have supported this for a number of years. My personal view is that a fixed-term election should be held every five years—but it will not be five years—and that we should have public funding of campaigns and somehow try to guarantee that we do not have third party funding to circumvent the public funding.

**MR J.J.M. BOWLER (Kalgoorlie)** [4.09 pm]: Standing as an Independent at the last election, I had to develop policies on a range of issues that I had never really given a huge amount of thought to before because suddenly people were asking for my opinion. When the events happened in the days after the election, I was pleased that both the Labor Party and the Liberal Party stuck to their election promise to reform the electoral legislation and introduce fixed terms. It is something that both parties have talked long and hard about, but, as the Premier said, when one party is in power and holding the reins, suddenly it can find reasons not to fix terms because it has the flexibility to use that as a political ploy to suit itself. It really is—the member for Armadale alluded to it—almost undemocratic in the way it has been abused federally and in the state in decades past. I think the Electoral and Constitution Amendment Bill 2011 will strengthen our democracy. It is legislation that I strongly support.

Just after the election, I went to see the minister responsible, Hon Norman Moore, and asked him when this legislation would be introduced. I basically said that if the Liberal government was not going to introduce this legislation, I would introduce it as a private member’s bill. But he assured me that this government would introduce this legislation, and, true to his word, he has come good. I remember being involved in a previous government when, at one stage, it had legislation drawn up. One of the problems that it faced with a fixed period was providing some flexibility in case the election date fell at Easter or there was a federal election, so it was going to have leeway of one month. What this legislation will do, I think, is even better. Under this legislation, a date will be fixed and, unless certain triggers occur, that is the date on which the election will be held. But the bill does provide flexibility for Easter and a federal election so that people will know within a certain range when the election will be held and they will know it well in advance. Better still, if there is a disaster, or for some other unforeseen reason, this legislation provides the flexibility that the Leader of the Opposition can join with the Premier of the day to agree to an early election. I believe this legislation will cover all eventualities. I believe this is something that the people of Western Australia will overwhelmingly support.

On the issue of the length of a term of government, I think we have got it right. I think four years provides a compromise between three-year terms, which would probably be more democratic in that the government would go to the people and, if they do not like what the government is doing, they could vote it out or vote it back in, and five-year terms, which would give the government time for longer term planning, particularly for long-term finance matters. Sometimes the government has to make some unpalatable and unpopular decisions in its first one or two years in office for the long-term benefit of the economy of the state or of Australia. I can see the wisdom of three years; I can see the wisdom of five years. That is why I think we have probably got a good middle ground.

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Another point I raised with Hon Norman Moore that he rejected—it is not in this legislation and I am a bit disappointed about that—was to go a step further and ban election day bunting and advertising within a certain distance of a polling booth, and possibly even to not have any election workers outside a booth. Members might say that that is part of our democracy. I remember raising this in a discussion with the late former member for South Perth, Phil Pental. He said, “John, that’s very much a part of our democracy. It involves people on election day.” And I concede that.

**Dr M.D. Nahan:** What about how-to-vote cards?

**Mr J.J.M. BOWLER:** I will come to that.

As I have said, there are various stages at which this could be done. If members look at election day photographs from 50 or 60 years ago, they will see that the only bunting or advertising was a rosette on a lapel. It has gone from a rosette on a lapel to blocks and blocks of plastic bunting—a damn eyesore! One party might have bunting that goes for a block and a half, and so at the next election the other party will have bunting that goes for two blocks, and then at the following election the other party will have bunting for three blocks.

**Mr W.J. Johnston:** In New South Wales, each party has a limit on how much election day material they are allowed to put up at the state election. I forget what it is, but it is 70 square metres or something like that, and that is the maximum election day material allowed. They are still allowed to have how-to-vote cards, but in terms of the bunting and the posters, it might be 70 or 100 square metres; I don’t know. It’s a square-metre limit per polling booth. Candidates can’t have more than that, so it limits the warfare.

**Mr J.J.M. BOWLER:** All I know is that I do not think either side really likes the way it has developed in recent decades.

**Mr J.M. Francis** interjected.

**Mr J.J.M. BOWLER:** In Kalgoorlie, if we put it up before midnight, it is pulled down and there are fights. That is what happens. Then paid security guards are brought in to sit at the booths at midnight. The party that has the upper hand at a booth brings in a security guard, but security guards are not brought in if the party does not have the upper hand. It has just got out of control.

It came to a head when Allan, the brother of the former member for South Perth, Phil Pental, and I were working at a booth two federal elections ago. This elderly gentleman was heading towards the polling booth where we were working and he had his head down. Worse still, his wife was almost crying; she was whimpering. She was walking behind her husband with her hands around his waist and her head against his back so she would not be confronted by all these people trying to push how-to-vote cards in her face. How can that be democracy, when people do not want to confront what they see at a booth? I can see the member for Rockingham shaking his head that that is not normal. It is not normal. Every election, more and more people are voting early to avoid the ridiculous situation on election day. That has been happening for two decades. I am willing to guarantee that at the next state and federal elections, even more people will avoid the election day rush and crush and all the visual pollution by voting early or not voting at all. I am just saying that I do not think that the miles of bunting and the massive competition to get the best position serve any purpose in our democracy. In some states in America, the only signs allowed on election day are those with the words “polling booth”. They do not complain that they need a Labor or a Liberal poster. Most advertising on election day is negative. The opposition will attack the government about something or it will pick the worst of the 10 000 photographs of the Premier taken in the previous four years and put a negative banner underneath it, and the government of the day will do something similar to the opposition.

**Mr M. McGowan:** As opposed to the photoshopped version that the Liberal Party uses!

**Mr J.M. Francis:** As opposed to the cartoon of the Minister for Regional Development!

**Mr J.J.M. BOWLER:** Both members are supporting my argument. Does this help people make up their mind about how they are going to vote?

**Mr A.J. Waddell:** A pox on both your houses!

**Mr J.J.M. BOWLER:** Yes; a pox on both houses. In my heart I really believe this. I mentioned this to the member for Mount Lawley one day in the courtyard and he supported me. He even put out a press release. He went to see Hon Norman Moore, but the minister rejected it. In the end, the minister said that he did not want to cloud this legislation, but that it may be taken up in the future. I have raised the issue in this place today. It will not happen in this term of government, but I may sow a seed of thought among people on both sides that we go down the path as suggested by the member for Cannington of reducing the signage so that there is not massive competition and wastage on election day. The member for Riverton made the point about handing out how-to-vote cards. Particularly in my electorate, which has a reasonable Indigenous population, there is a need for

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people to hand out how-to-vote cards. That could still be done by just one booth worker wearing a simple T-shirt identifying what party or what candidate they are representing. Even better, maybe having scrutineers inside an election booth so that when a person walks in and is clearly confused, they can walk up to the election staff and say, “I want assistance. I want to vote go and vote Greens”—heaven forbid them. Each party could have a scrutineer inside the booth to make sure that the staff direct people to the how-to-vote card for that candidate or that party.

As I say, Phil Pandal felt that it was good to involve people on election day. I also note that it is becoming increasingly difficult for both parties to get people out on election day. Of course, the party that generally has the most number of volunteers and booth workers and the momentum will not like my legislation, but as we know, every decade it turns around and the boot is on the other foot. With a limitation on the signage and maybe a limitation on the number of people on booths, people will fear less going to their local election booth. They will stop voting early. I hear all the ridiculous excuses people make up to not vote on election day. They say they are going on holidays; but they are not going on holidays. They just want to go and vote in their own time without being pushed around when they go and vote early. Any check of the legislation will show that that trend is continuing. I have no doubt that until we do something about it, that will continue. That should not be a part of our democracy.

Finally, the changes to the electorate of Kalgoorlie are generally wise ones, including losing Wiluna and Sandstone to North West Central. They can go that way, and they are probably just as close to that hinterland. The good thing is that all the communities in the Ngaanyatjarraku shire, which is based at Warburton, come back into the electorate. They are the communities of Kanpa, Tjirrkarli and Patjarr. I am disappointed, though, that they stuck to the white man’s lines on a map and kept Kiwirrkurra out of my electorate. Kiwirrkurra is just north of that line on the boundary because it is a part of the Shire of East Pilbara. It has no relevance to East Pilbara. If people in that community ever go anywhere, they go to Alice Springs or down to Warburton area. Kiwirrkurra should be part of this electorate. Other than that, I think the changes are commonsense, and I generally welcome them.

I commend this bill to the house. I particularly congratulate the government. After many previous promises by the political parties on both sides, this government has stuck to its word.

**MR M.P. WHITELEY (Bassendean)** [4.23 pm]: I also rise to speak in support of the Electoral and Constitution Amendment Bill. I think it is excellent legislation. I echo the words of the Premier—the Premier has responsibility for this bill obviously; otherwise he would not be here—in his second reading speech about the benefits of fixed-term elections, which include providing certainty for electors and facilitating better electoral enrolment so that we do not have that crazy rush at the end when we are trying to get people on the roll. There will be plenty of warning. People will know what is going on. It will provide the business community with certainty, and it will provide policymakers with a greater degree of certainty as well. It will make for more efficient and cheaper elections. It will allow for more effective planning of the parliamentary process. It will remove the partisan political advantage of the government manipulating election dates. They were the benefits outlined by the Premier in his very brief second reading speech. I think they are all valid points, and I agree with each and every one of them.

I will add another one as well. I am not someone who has argued publicly for increases in politicians’ pay or benefits, but this bill gives us the capacity to plan our careers are little better. Some of my friends who lost their seats at the last election—people like Paul Andrews, Dianne Guise, Tony McRae and Shane Hill—six months earlier than what they might have expected was a possible termination date, were suddenly put out of a job. It is not easy, especially for someone such as Dianne Guise, who previously worked in the field of social services. I do not know whether it is absolutely true, but there is a perception in the community that if a member is a Labor person and there is a change to a Liberal government, that person is unemployable in that sector again, and vice versa. I do not know that it is necessarily true. I do not think we are necessarily that vindictive by nature as a class—or perhaps that organised—but it is a perception that prevents people becoming re-employed in the not-for-profit sector. The capacity for people to plan their exit, or at least have a plan B, if they happen to lose a seat, is a real consideration. I think that is an additional benefit. That is only the minor benefit; the benefits outlined by the Premier in his second reading speech are far more considerable, and they certainly justify this legislation.

I was a supporter of the Electoral and Constitution Amendment Bill 2003. There were a few minor differences. A few other minor things were sought to be achieved through that bill, but, fundamentally, it was about introducing four-year terms. The now Premier was then Leader of the Opposition. The only reason that that bill was unsuccessful was that the then opposition, led by the current Premier, did not support it. My question for the Premier is: what has changed in his mind to make four-year fixed terms a good idea now as opposed to in 2003?

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**Mr C.J. Barnett:** My own view is that I am nominally in favour of fixed terms. It is not an area of debate within the Liberal Party that I have been particularly active on over the years. I think probably the opposition in days gone by has primarily come from the Legislative Council rather than the Assembly. There are some complications there and some valid points. But to be blunt, what was a defining element in the Liberal Party now supporting fixed terms? It was calling the last election early. That was the moment. That was the factor that changed everything.

**Mr M.P. WHITELY:** In what way? None of that was unforeseeable.

**Mr C.J. Barnett:** I do want to excite debate, but that was seen as fairly blatant political opportunism. It failed, but it was blatant political opportunism. At that stage the vast majority of Liberal supporters thought that, yes, the only way to fix that is through fixed four-year terms.

**Mr M.P. WHITELY:** That was part of our rationale for arguing for that in 2003. It is an interesting accident of history.

**Mr C.J. Barnett:** Yes, it is, but that is what precipitated it.

**Mr M.P. WHITELY:** So the Premier was convinced by the fact that what we predicted would happen actually happened.

**Mr C.J. Barnett:** Yes.

**Mr M.P. WHITELY:** Fair enough.

**Mr M. McGowan** interjected.

**Mr C.J. Barnett:** Yes, not much earlier, though. But it was earlier, yes; it was December rather than February. That is because the dams were overflowing.

**Mr M.P. WHITELY:** I thought it was perhaps because your polls were overflowing.

**Mr C.J. Barnett:** No, the dams were overflowing. It was a good time to call an election.

**Mr M.P. WHITELY:** It is interesting how these things turn out. If that legislation had been supported in 2003, we probably would not have one vote, one value, because I would imagine that we would have gone to a fixed-term election that would not have left that window to do so. What led to one vote, one value was that Hon Alan Cadby lost preselection and then became a disaffected Liberal member. He supported one vote, one value, which gave us the numbers in the upper house to introduce legislation, so that is interesting.

I am a great fan of one vote, one value, so I suppose, unless the Premier has incredible foresight, and he has always supported one vote, one value, and knew that was going to happen —

**Mr C.J. Barnett:** You could write an article here about electoral reform by accident in WA, couldn't you?

**Mr M.P. WHITELY:** Yes. We would not have had that opportunity for one vote, one value reform. One effect this legislation will have is a tightening of the window. There will not be that period for governments to either exploit the system or be barred from legislating because of the change in the makeup of the Legislative Council.

I think one of the concerns I had that came out of the one vote, one value changes as a result of Alan Cadby's disaffection and support was the obstructionism by the Greens and the malapportionment in the upper house. That has been spoken about by a number of other members. The one remaining blight on our system is the fact that the votes in the upper house can be worth, I think, a factor of three to four times more for certain Western Australian citizens than for others. Hon Nick Griffiths had some uncomplimentary things to say about the role of former Attorney General Jim McGinty in that deal. I guess it was the fact that McGinty had nowhere to go but to the Greens that left us with that situation.

I have some sympathy with the Greens' values, but something that turns me off is their tendency for self-righteousness. I think that upper house situation was motivated by self-interest as much as anything. I think one of the attractions for the Greens in entrenching the malapportionment was that the number of members in the regional areas would increase from five to six members, and people like Dee Margetts—I think she was Agriculture from memory—thought she had a much better chance of maintaining her position with a six-member electorate than a five-member electorate. I think self-interest had a lot to do with the Greens' position and they stand condemned for that because they have entrenched malapportionment in the upper house. Given the way things are, I think it will be a very long time before that issue can be addressed again. From memory, Labor had one vote, one value on the books for 100 years. If not for the shenanigans among the northern suburbs' Liberal members and the disaffection of Alan Cadby as a result of his deselection, we would probably still be arguing for it. Self-interest plays a big part in these issues, and I suggest it was self-interest by the Greens, who often accuse everyone else of that behaviour but are reluctant to recognise it in themselves, that led to that situation.

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The one vote, one value legislation has made our electoral system a lot better for members who have recently arrived in the chamber. When I first became a member, the member for Eyre represented fewer than 9 000 people and the then member for Wanneroo, Di Guise, represented 45 000 people.

**Mr C.J. Barnett:** Pushing 50 000, yes.

**Mr M.P. WHITELY:** The value of one vote was equal to the same as it was for five other Western Australian votes. There were all sorts of anomalies, and all sorts of spurious arguments were used to vilify one vote, one value; one being that country electorates were typically enormous and city electorates were typically small. I happened to represent Roleystone at that time, which was, by a considerable margin, the biggest metropolitan electorate. In geographical terms, the seven smallest country electorates, Geraldton, Albany, Bunbury, Dawesville—I cannot remember all of them—occupied a land area that was about 30 per cent of my metropolitan electorate. My electorate covered about 1 700 square kilometres, and those seven electorates together covered about 500 square kilometres.

**Mr C.J. Barnett:** You make a good point. That was one of the great myths of that argument at the time. My electorate of Cottesloe was bigger than many of the country electorates, geographically.

**Mr M.P. WHITELY:** I remember dragging in a big map of Roleystone, and the seven electorates were tucked away in one corner.

**Mr M. McGowan:** That map was fantastic.

**Mr M.P. WHITELY:** The member for Cottesloe did not seem to be as impressed at that time.

**Mr C.J. Barnett:** Roleystone had a semi-rural area. The point I was making was that even an inner city electorate like Cottesloe was bigger than many of those electorates.

**Mr M.P. WHITELY:** I acknowledge that the challenges are different. I have served in two metropolitan electorates, one of which is now Bassendean, which covers 22 square kilometres, as opposed to Roleystone, which covered isolated communities spread across 1 700 kilometres. The workload, frankly, is different.

**Mr P.B. Watson** interjected.

**Mr M.P. WHITELY:** Do not start! Albany is a pocket handkerchief electorate, which occupies next to nothing. It was one of those seven electorates, so leave me alone, member for Albany!

I think that having four-year fixed terms will strengthen our system. I think we have just about got it right. I think four years is an appropriate term for state governments. I do not want to oversimplify it, but we are largely service deliverers and administrators. Four years is a reasonable time to judge the government's performance. I think the great weakness with our political system is the three-year electoral cycle at a federal level. Federal governments do big-picture, big-policy things that take years to kick into effect, yet they are locked into a constant campaigning cycle. I do not think the quality of the debate in federal politics has ever been worse than it is currently, and I think the current federal Leader of the Opposition has a lot to do with that. They are locked into a cycle in which they cannot escape populism or get away from being poll driven to get clear air so that they can legislate. Historically, from memory, only one government has been kicked out after one term, and that was in the 1930s.

**Mr J.M. Francis** interjected.

**Mr M.P. WHITELY:** Yes. Admittedly, it was within a three-year time frame, but two elections were involved. I think the most significant thing missing from our system is longer federal terms. I would support five-year federal terms because, as I said, it is bigger picture stuff and they need to be judged over a longer time frame. Having said that, realistically, we are not going to get five-year terms at a federal level, but we may get four-year terms. The ideal situation would be some clean air between state and federal elections. Perhaps all state elections could be coordinated to be held on one day, and two years later federal elections could be held. But, of course, unexpected events will throw out that cycle; for example, the death of a member in the federal Parliament right now could completely throw the election cycle.

**Mr C.J. Barnett:** The US has had a degree of coordination. One argument against what you are saying is the situation if there was a swing in political sentiment to the left or right and you got an overwhelming result across Australia in every state. I think that would take out some checks and balances, for example, in the COAG process. There is something healthy about having a bit of the previous swing left over and a bit of the new swing coming in.

**Mr M.P. WHITELY:** I think unforeseen events would affect that, but, ideally, it would be nice if we could achieve it. Some of the arguments against fixed-term elections were those I heard in response to the New South

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Wales Kennealy government, which had been a very long-term Labor government that had obviously run out of steam. Its use-by date had passed, and it had probably had one election victory too many. There was an argument put that, if we had fixed terms, how would we get rid of a New South Wales-style government. Frankly, that is an irrelevant and stupid argument because, as someone explained to me—I do not make reference to my colleagues in New South Wales—the government controls the numbers on the floor of the house of Parliament, hence it is the government. It is not going to vote to put itself into an early election if it expects to lose that. As someone once said, turkeys do not generally vote for an early Christmas.

I think this bill will strengthen our system. I just want to touch briefly on bicameralism. Unlike the Premier, I am a big fan of bicameralism, perhaps because I have never been part of the executive; I have always sat up the back watching how the sausages are made. As a result, I am absolutely certain that we need a house of review. Some of the things that pass through party rooms without comment or scrutiny, particularly given the growing importance of the executive of government and particularly in a government, if I can say so without getting too political, that does not bat too deeply in terms of talent, get passed to the upper house —

**Mr M. McGowan** interjected.

**Mr M.P. WHITELY:** No; I think it is about three or four but after that the bowlers are coming in. Perhaps the “specialist fielders” might be a better analogy, or the ones who can tie their shoelaces and put on their pads! So I think that the bicameral system is an incredibly important check and balance. If we look at the history of Queensland and what can happen when one side of politics controls the one house of Parliament, and the corruption that occurred particularly under the Bjelke-Petersen government, it is a very strong argument for a bicameral system, particularly with the growing importance of the executive.

[Member’s time extended.]

**Mr M.P. WHITELY:** I want to quickly discuss a couple of other issues. The first is the use of how-to-vote cards and bunting on election day. I actually am sympathetic to the argument that was put forward by the member for Kalgoorlie. It is annoying. It does make some people feel uncomfortable as they go to the polling booths. The argument has been put that we should allow how-to-vote cards to be put into the booths. That argument actually has some attraction, but on balance I am not in favour of it, and I will give members the reason. One of the great strengths of our system is that it takes effort to run a political campaign. To run an effective political campaign requires effort and resources. If every candidate was entitled to put up a how-to-vote card—that is, not just the major parties, and perhaps some of the minor parties and perhaps those Independents that had a chance, but we opened it up to everybody—it would encourage loads and loads of Independents. Some of those might be false Independents who were running under the banner of a particular local issue that might in fact be a front for one of the political parties that was trying to direct preferences their way. I think there is a real danger that if everyone was given the right to put their how-to-vote card in the booth, instead of having elections that are fought by five, six, seven, eight, nine or 10 candidates, we will get a proliferation of candidates, and a proliferation of false candidates—trojan horse candidates—who were directing preferences in a particular way. Having said that, I think there are some limitations that we could place on the use of bunting et cetera, as were outlined by the member for Cannington, who spoke about some of the things that have been put in place in New South Wales.

I also want to say that for those of us who love politics—political junkies—election day is a great celebration of our democracy. Ninety-five per cent of the time, we roll up to the booths, and there is a sense of camaraderie, even across political lines, between people who work on the booths all day —

**Mr M. McGowan:** Not always.

**Mr M.P. WHITELY:** Not always, but 95 per cent of the time there is. In the elections that I have been involved in as a candidate, there has certainly been the sort of good-spirited banter that occurs on election day. I used to enjoy election days. I do not enjoy them any more, actually. I am always physically sick on election days—at the last two because I was so terrified of being the person who might lose Bassendean for Labor —

**Dr A.D. Buti:** That’s because you’re in a marginal seat!

**Mr M.P. WHITELY:** That is the thing that made me even more terrified! I would have been expected to commit hari-kari if I had lost Bassendean, and that prospect made me ill—even more ill than when I was a candidate for Roleystone! But I think election day is a great celebration of our democracy. We do have a very solid and sound system of democracy. I travelled to the United States earlier this year, and I will pick up on a few issues that were mentioned by the member for Armadale. I think the American system is a system that is failing. One of the reasons it is failing is that it does not deliver anyone a mandate. They have this conflict between a democratically elected President, and Congress, and no-one has a clear mandate.

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**Dr M.D. Nahan:** It was built that way.

**Mr M.P. WHITELY:** The member for Riverton is dead right. It was built that way, because they are deeply suspicious of the role of government. But that is now causing their government to fail, and creating the problem that nobody can deliver a clear mandate and a clear agenda. I think our system balances democracy pretty well, with the bicameral system that we have, and the balance between state and federal. I used to be a centralist. And it is not just because I am a member of the state Parliament that I am actually a firm believer in the federal system. I believe the balance between the states and the commonwealth is an important part of our system.

The other important point to make is that we have elections that are conducted fairly. We know that if we go to an election, the election will be conducted fairly, no-one will get away with substantial cheating, the election rolls will not be rorted, and the votes will be counted accurately, fairly and dispassionately. It is a good system. I think this Electoral and Constitution Amendment Bill 2011 will make it a better system. This bill is very similar to the Electoral and Constitution Amendment Bill 2003, which also would have made it a better system, although ironically, as I pointed out before, that might have meant that we do not have one vote, one value right now, because of the loss of that opportunity that Alan Cadby, sitting as an Independent, presented, because there might not have been time to get that legislation through both houses of Parliament with a 9 March election and a 21 May changeover in the Council.

I support the bill. It is good legislation. However, it does show us something about this Premier that I want to talk about. The Premier gave us the reasons for this bill, and I was interested to hear his reasons. But I do think the Premier is more inclined to support ideas that he has carriage of. I think the Premier is much better behaved as a Premier than he was as Leader of the Opposition.

**Mr C.J. Barnett:** I didn't enjoy being Leader of the Opposition!

**Mr M.P. WHITELY:** The arguments were entirely foreseeable then, and the bill should have been supported back in 2003. It certainly deserves the opposition's support in 2011.

**MS J.M. FREEMAN (Nollamara)** [4.46 pm]: I also rise to support the Electoral and Constitution Amendment Bill 2011 and fixed-term elections. In doing so, I want to raise an issue of concern that has been raised with me by the diverse community that I represent. In particular, the Sudanese community has raised with me on a number of occasions the difficulty they experience in understanding ballot papers. Their idea is that photos of the candidates should be put on the ballot papers. I have raised that matter because that is how they look at it.

The background and context to that is that in Western Australia, we have increased our informal vote from 5.24 per cent in 2005 to 5.32 per cent in 2008. In 1993 the informal vote was around four per cent. The informal vote in Western Australian state elections is actually greater than it is in federal elections, because in the 2010 federal election in Western Australia the informal vote was about 4.82 per cent. The informal vote sits around the five per cent mark. The most worrying aspect is not necessarily that people leave their ballot paper blank, because clearly they are making an intentional decision to do that. It is the increase in the number of people who are not filling out their ballot paper correctly. It is always most worrying when the informal vote has occurred because people have tried to cast their vote, but because they do not understand the process, they have failed to mark their ballot paper correctly.

**Mr C.J. Barnett:** Or they do not mark all the boxes, which I think is an unreasonable constraint.

**Ms J.M. FREEMAN:** Yes, and that is a discussion for later; I will get to that.

I suppose this is a bit of self-interest, but there is a correlation between the number of informal votes and the proportion of voters in my area who have a non-English speaking background. I note that in the last federal election, the lowest informal vote was in the electorate of Curtin, which includes the seat of Cottesloe. That can be compared with the highest informal vote in the whole of Australia, of around 9.6 per cent, which was in the electorate of Blaxland, a community that is not dissimilar to the community that I represent.

Ian McAllister, who is a professor at the Australian National University, has said that Australia has one of the highest levels of spoiled or informal ballots among established democracies. He said in an article in *The Australian* in March 2009 that a large proportion of people from a non-English speaking background have difficulties with the complex voting system that we have in this country.

An Australian Electoral Commission study by Rod Medew found that being a voter from a non-English speaking background is a major predictor of informal voting. I do not think that putting pictures on how-to-vote cards is necessarily the answer, but certainly that is what the community that I represent has told me is the answer, and I wanted to raise that in this place, because it is an important point to raise. I do note that Rod Medew suggested in that Australian Electoral Commission report that there may be need for the Australian Electoral Commission to conduct education programs and run advertisements on voting during non-election

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periods. The problem is that if we do it in an election period, when there is a lot of white noise, people will not get the message. He suggests that doing it during a non-election period is a better way to reach voters. This is an opportune time, if we have fixed elections, to set a reasonable time; obviously not too far out. We should have a consistent education campaign in communities that want to exercise the vote. People have come to Australia because they want to exercise their vote. They are very keen to be part of the democratic system. They are very proud when they become Australian citizens. Many come in to see me when they have become Australian citizens. Many do that because they want to partake in the political system. It is important that they are able to exercise their vote consistently and properly.

The other thing I want to talk about is voluntary voting for 16 to 18-year-olds. I note that it is being considered in Victoria, South Australia and Queensland. There was also recently a bill in the United Kingdom. I believe that the right to vote reflects other social and economic rights and responsibilities of 16 to 18-year-olds, particularly 17-year-olds. I understand that 17-year-olds can put in an early voter enrolment for the federal election. I am not entirely sure whether that is available in the Western Australian Electoral Commission. I probably could have found out by doing a bit more research. It is certainly my belief, from the young people we see in this place who do Youth Parliament and the young people who volunteer in my office—people who take an active interest—that that is a really important cohort of people we need to encourage. I understand one of the difficulties we have is gaining people in that 18 to 21-year-old cohort to even enrol. We need to encourage that, too. If we engage them at that active period when they see themselves as having active roles in civil society, in that 16 to 18-year-old cohort, at least the capacity to enrol—if not, to get a voluntary vote—would be a really active way to encourage participation. There are other countries in the world that include 16-year-olds on the electoral roll. I note that Austria brought it in in 2007. Indonesia, which is one of the largest countries off our shores, allows 17-year-olds to vote. I am not at this point saying that we should bring in a bill for voluntary voting, but given that other people have investigated and debated through committees, it would be great if we —

**Mr C.J. Barnett:** I have just been given some information by the Electoral Commissioner. He advises me that 17-year-olds can enrol to vote for when they turn 18.

**Ms J.M. FREEMAN:** Okay. It is the same as what happens federally. I think that is good. I certainly encourage any young people I come across who are 17 to enrol to vote. Frankly, we have access to 17-year-olds. We do not have as much access to 18-year-olds. We get to talk to 17-year-olds at school about democracy and civil society. It would make more sense if they had the capacity to vote, reflecting their social and economic rights and responsibilities. Seventeen-year-olds can join the army, they pay taxes and they drive; they have many aspects. Some criminal laws have an impact on them in an adult manner.

I endorse some of the things that members have said. I endorse the Premier's sentiments about an upper house. I believe that presently we are a bit over-governed. We really need to look at that. In saying that we are a bit over-governed, I think we are seeing a growing local government sector —

**Mr C.J. Barnett:** I am not being precious about what I said about the upper house, but the first point I made was about the electoral reform one vote, one value debate. The other point I make is that if we do have two houses, in my view they have to be fundamentally different in the way they are elected and in the way they operate. I do not know whether that is the case.

**Ms J.M. FREEMAN:** It is interesting, because New Zealand only has one house. Queensland has recently looked at how the New Zealand Parliament operates in terms of scrutiny of legislation. Queensland has allowed for the New Zealand model of a greater number of committees. It seems to me that the place where the greatest work can be done to lead to some of the greatest outcomes occurs in committees of this place. If we are trying to achieve the objectives that people think we are achieving, which lead to good progressive laws and implementing government policies that reach the objectives they want, I do not necessarily think that would be achieved by the bicameral system. It probably would be better achieved by one house with a better committee system.

**Mr C.J. Barnett:** I think the upper house would argue that it probably has a reasonable record of modifying extreme points of view or extreme legislation, whether they be to the left or right. That is a house of review function; they tend to be a moderating influence.

**Ms J.M. FREEMAN:** I could argue they only had that chance when some pretty extreme workplace laws were before them, which I was involved in; there was a change. I beg to differ on that particular issue.

The low voter turnout in local government elections, being around 23 per cent, is appalling. There is no better word for it. These people make huge decisions about where resources go on the ground in our communities. The Premier's office would be similar to my office—many of the issues we receive are local government-based. Increasingly, the federal government directly funds local government. I cannot even get the Nollamara Football

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Club rooms funding for some upgrades from the Department of Sport and Recreation because the department will only fund through local government. The local government does not want to do that because it has a master plan; yet only 23 per cent of people turned out to vote for effectively big resources and a lot of change. It has implications on roads in suburbs and implications on how our recreational parks are dealt with. If we are going to take this seriously, and if local governments take on the increasing role we are placing on them—even with cats and those sorts of things—we need to consider, firstly, the expected roles and responsibilities of local government and, secondly, how to increase that vote. I am not standing here saying I think it should be a compulsory vote at this point, but I think it is really telling, to the point of a necessity and an urgency, that we undertake a serious bipartisan inquiry into how local governments operate; in particular how it represents people in a democratic way because people are just not voting for them.

**MR B.S. WYATT (Victoria Park)** [4.57 pm]: I rise to make a short contribution to what is a very significant piece of legislation that the opposition is of course supporting, the Electoral and Constitution Amendment Bill 2011, to establish fixed terms in Western Australia for the Legislative Assembly starting from 2013. As the member for Rockingham has already pointed out, this has been a longstanding Labor Party policy. It has a somewhat constricted history in debate, particularly going back to 2003 through to now. It is timely that we have the debate and pass the legislation.

The member for Nollamara certainly raised a very good issue about local government. There has been significant debate over the past few years about local government, including the form it takes and its size. That debate is continuing at the moment mainly in respect of metropolitan local government, but I think if there was an opportunity to look at local government and the role it plays—not just its size and rate base, but the role that local government plays—that would have been the time to consider, as the member for Nollamara said, the role of a second chamber and the role of committees. We cannot have a debate about one layer of government to the exclusion of others, particularly state and local. That is a debate that, when the Premier's group of experts report, may again rear its head in terms of what role the Parliament plays. My view is that power should be devolved to the closest level at which it impacts on people. I think maybe it is time to look at what we can push further down on the food chain to local government, but that necessarily requires a discussion about the electoral system—whether the voting system is compulsory or non-compulsory. I think now, with the size of Western Australia and with the vast majority of the population in a very small part of the overall state, the role of the government or regional government—I previously spoke on this a number of times—will only increase simply because people demand access to the people who make decisions over issues that affect them.

The member for Armadale made the point about electoral terms. I think a fixed four-year term at the state level is ideal. Federally, I think it is an awful situation with a three-year cycle that does not often go the full three years. For a national government to have this sort of uncertainty, by which we really have 18 months of government and then we enter into the pre-election phase in the electoral cycle, is crazy. I am not so sure about five-year terms. I think federally a fixed four-year term is ideal, bearing in mind that governments in the United Kingdom very rarely fulfil a full five years of their term.

I am interested in the comments made by the member for Rockingham about money in politics. I think there is a role for a parliamentary committee to have a look at this issue. The issue flows into the concerns of the member for Kalgoorlie about the behaviour of candidates and candidates' supporters on election day—bunting and the behaviour around booths. Although I think there will always be a requirement for handing out how-to-vote cards, I think the bunting and all the paraphernalia that goes with it has perhaps served its purpose. I do not think it has any impact on how people vote. We just have the madness of how early people can get there, particularly in marginal seats, to cover whatever building they have been assigned with the various paraphernalia that they have been given. In terms of money, obviously that is one way that the necessary expenditure of candidates could be reduced when it comes to election day expense.

I am not so sure about the member for Nollamara's suggestion of photographs next to candidates' names on the ballot sheet, bearing in mind that if one has a quick scan of *The Western Australian Parliamentary Handbook*, the photos that sit next to the elected members are considerably different from how they really look. Certainly if I have a look at, say, the member for Cottesloe, the photo in this book does not reflect the man I see as the member for Cottesloe now; it is quite extraordinary! Similarly, if someone was to look at the photograph of the member for Mandurah, they would be likely to vote for Hon Col Holt, if photographs on the ballot sheet were to be the case. In the photo of the member for Churchlands there is certainly someone there who is allegedly the Minister for Education. The person in the photo of the member for Rockingham is clearly a younger brother of the member for Rockingham—a much younger brother. The former member for Armadale, quite interestingly enough, is not Hon Alannah MacTiernan; it is the person in the photograph and I do not know who that is. The member for Albany has an interesting “moustaka” that certainly does not fit on the face of the current member for Albany and his hair is certainly a different colour than it is now. Therefore, photographs, I think, would have

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to be carefully screened, so that, for example, Mr Speaker, your head looks exactly as it does now in all its glory, on the ballot paper.

**The SPEAKER:** But surely, member for Victoria Park, no-one would vote for us!

**Mr B.S. WYATT:** I think overall, Mr Speaker, members on the opposition side of the house are more attractive than those on the other side of the house; therefore, it would perhaps benefit us if photographs were used on the ballot paper!

I strongly support the comments made by the Premier about advertising, particularly when incumbent government's use taxpayers' money to advertise in environments or locations that are perhaps not conducive to information giving—that is, telling Western Australians about government policy or the rights and entitlements of citizens. Certainly, I think the Premier would agree that having government advertising on things such as key rings, tattoos, lip balm, umbrellas and pens, for example, resplendent in the green and gold, would be an outrageous way to spend taxpayers' money! I know you would agree, Mr Speaker, that that would be an awful way to promote a particular government policy by using the colours associated with a political party on lip balm and tattoos. That would be an outrageous waste of taxpayers' money. I know that the Premier would agree wholeheartedly with those comments, therefore I look forward to some action from the Department of the Premier and Cabinet to keep a close eye on the way —

**Mr M. McGowan:** A crackdown!

**Mr B.S. WYATT:** A crackdown on the way taxpayer's money is used to promote a particular political party throughout Western Australia.

Much has been said about the level of dysfunction in the United States between the presidency and the Congress—people had different comments about that—and whether the checks and balances that are designed in the US Constitution have now created, courtesy of the political parties and partisanship, a dysfunctional system of governance. One thing that struck me when I visited the United States last year, courtesy of the State Department, was a culturally different view from Australians that Americans have towards governments. Even strong Democrats who I met still had a much more suspicious view, if we like, of the role of government. There is much stronger desire for government to stay out of people's affairs. When we look at the role and the interaction between the federal government and the state governments in the US, the federal government has a much smaller role to play. It provides on average about 10 per cent of the revenue of a state government in the United States, which is significantly different from Australia of course.

The member for Bassendean made some comments about our federal system. I think our federal system in Australia works well and regardless of whether they are Liberal or Labor governments, there is always healthy competition between state and federal governments that I think creates that healthy tension and healthy government.

With that short contribution, I emphasise that the Premier is bringing a significant piece of legislation to the Parliament that is of course strongly supported by the opposition. It has been a long time coming, and we can now plan with some certainty. The Premier's second reading speech made the point that there is a lot more certainty with a fixed term. Most of us will be candidates at the next election, and we can plan with a lot of certainty around the election date, and that will obviously have flow-on impacts on expenditure. I think a parliamentary committee, at some point, flowing off the comments of the member for Rockingham, should be established to look at these things, because behaviour on election day is getting to the point at which perhaps the majority of Western Australians would think things were getting out of control. I think the member for Kalgoorlie was very accurate in highlighting the rapid increase in pre-poll votes. People effectively vote by mail or go into the Electoral Commission prior to election day to vote. A very significant percentage of people now do that; certainly the figure for the electorate of Victoria Park was much higher than it ever has been. I think the way people work has influenced that, but also the wall of supporters of candidates handing out the various paraphernalia is another impact, because it can be quite an intimidating environment through which voters have to pass. I daresay that the impact of that paraphernalia on how people vote is minimal, if not insignificant. Premier, the bill is good legislation. We will support it and I am delighted by the fact that once it is through, we will actually know when the next election will be held.

**MR C.J. BARNETT (Cottesloe — Premier)** [5.09 pm] — in reply: I thank members for their contribution to the debate and for their support for a fixed four-year term. I must say that I found the debate interesting and wide ranging. A lot of issues were covered, including the conduct of governments leading into elections, the conduct of elections, and practices and procedures around polling booths, and I think a lot of good suggestions were made. However, in view of the time, I seek leave to continue my remarks at a later stage.

**Extract from *Hansard***

[ASSEMBLY — Thursday, 20 October 2011]

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[Leave granted for the member's speech to be continued at a later stage.]

Debate thus adjourned.