

**ELECTORAL AMENDMENT BILL 2001**

*Report*

**HON N.D. GRIFFITHS** (East Metropolitan - Minister for Racing and Gaming) [4.35 pm]: I move -

That the report be adopted.

**HON GEORGE CASH** (North Metropolitan) [4.35 pm]: I do not believe the report should be adopted. I note that Standing Order No 242 provides -

When a Committee's consideration of a Bill is completed, the Chairman shall report to the House and state whether or not the Bill has been amended.

Of course, that has been done. The minister is now seeking to have the report adopted. I also note that, once we pass through the committee stage completely - that is, it is moved that the report be adopted - Standing Order No 243 provides -

When the report is finally adopted a subsequent day shall be fixed on motion for the third reading;

Provided that where a Bill passes through the Committee stage without opposition and has not been amended the third reading may immediately be moved and the Bill read a third time.

We know that the Bill has been amended - in my view significantly. Clearly, it is not appropriate that it pass to the third reading stage today. That is precluded unless the standing orders are suspended with the support of an absolute majority.

Hon N.D. Griffiths: Or leave is granted.

Hon GEORGE CASH: Standing Order No 244 refers to leave being granted for the adoption of a report, not to proceed to the third reading. In fact, Standing Order No 243 provides -

When the report is finally adopted a subsequent day shall be fixed on motion for the third reading;

I am simply making the point that we are dealing with the adoption of the report and not the third reading. Debate on the third reading will be far more wide-ranging than that on the adoption of the report.

I will not spend a great deal of time discussing why the report on this Bill should not be adopted. It is fair to say that a considerable amount has been said by the Liberal Party in opposition to its passage. The debate has lasted five days and very important issues have been raised. While defending the position of electors in rural and remote Western Australia, the Liberal Party has not succeeded with important amendments that it proposed. In other areas it has supported amendments proposed by other members of the House. One amendment moved by the Greens proposed to reduce the number of members in the North Metropolitan Region and the South West Region from seven to six and to increase the number of members in the Mining and Pastoral Region and the Agricultural Region from five to six. As explained by the Greens, that was part of a preliminary process designed to change the composition of the House. The Greens have an arrangement with the Government. Some call it a deal, some call it an arrangement and some call it an accommodation. I do not care what it is called. However, I do know that to ensure the passage of the one vote, one value legislation the Government has had to come to an accommodation with the Greens. That accommodation seeks, in part, to increase the number of members in this House by two - that is, from 34 to 36 - and to provide that the six regions will each have six members. That is 18 members in the metropolitan area and 18 in the country. The current composition, of course, is 17 members in the metropolitan area and 17 in the country. At the third reading stage - I am not sure whether it can be done at this stage - one would hope that the Greens (WA) will be able to explain how one additional member in the country will be able to substitute for the eight members of the Legislative Assembly who currently occupy seats in the country and whose seats will be transferred to the metropolitan area. I am very interested in that, because at the moment I am not able to comprehend how the addition of two members in the Legislative Council can possibly substitute for the loss of eight country members in the Legislative Assembly. Members will be aware that during the debate in the second reading and committee stages, everybody on this side of the House, when speaking on the issue, made the point that there was adequate parliamentary representation in the metropolitan area; it was the rural and remote areas of Western Australia that needed greater support.

Another reason that I do not believe the House should adopt this report is that the Bill, in its amended form, will crucify electors in rural and remote areas of Western Australia. It will do that by reducing their representation. During the committee stage of the Bill, there is no question that it became obvious to those who were prepared to look behind the veil that the changes being proposed by the Government, and, indeed, supported by the Greens, were very much about the Australian Labor Party improving its electoral advantage in Western Australia.

Clearly, should this report be adopted, today will be a sad day for the country, for Western Australia and, indeed, for democracy in our State, because the fundamental disabilities which were discussed on so many occasions during the committee stage and which are inherent in living in country Western Australia will be cast aside for crass political advantage.

During the committee stage, the Liberal Party argued for greater consultation with the people. That opportunity was denied. We also advanced the argument that there should be a referendum on the changes being made. We argued that that old Labor slogan of let the people decide should be brought into effect and that we should allow the people to make their views known in a referendum. That, of course, was flatly refused by the Labor Government in Western Australia. We sought an explanation of why the Labor Government in Western Australia was shunning the views of rural and remote Western Australia. Regrettably, no reasonable answer was forthcoming. It seems to me that the general thrust of the ALP's view - in fact, it was stated on one occasion, although perhaps not in these words - was that the people of Western Australia do not have the brains or capacity to understand what is in the Bill; therefore it would be foolish to go to a referendum. I argued that an electorate that was properly informed would be able to provide a considered response to any question that was put to it. As was stated during the committee stage, there is no doubt that if this report is adopted, and, indeed, if in due course the Bill passes the third reading, in the future an ALP Government in Western Australia will not need the vote of one country person to be elected to government in Western Australia.

It is for those general reasons that the report on this Bill should not be adopted. It is clearly a city-centric Bill. It is designed for the ALP to be able to cut the country out of the equation, and to prevent the country having an adequate voice in seeking government services and support for their regions. It is no wonder that a number of people who live above the twenty-sixth parallel in Western Australia and who came to the hearings of the committee that visited towns above the twenty-sixth parallel were of the view that they would be better off with a separate State comprising the very north of Western Australia, the Northern Territory and part of the north of Queensland, because they saw that as the only way that a Government would take an interest in their area.

Should the report be adopted, this Bill will create further division between the country and metropolitan areas of Western Australia. I have never experienced in my short lifetime the anger that is felt by people in rural and remote Western Australia about the way they will be treated as a result of the impact of this Bill. Those people are extremely angry and upset. They believe they have been cast aside for crass political advantage - for nothing more than political gain.

I commenced my remarks on clause 1 at the committee stage with three words. Those three words were "shame, shame, shame". I repeat those words, because notwithstanding all the debate that occurred during the committee stage, we still have a Bill that removes the rights and completely obliterates the interests of people who live in rural and remote Western Australia. Should this report be adopted, this State will be a lesser place because of the political greed and expediency that is inherent in the Bill as it has come out of committee. I oppose the adoption of the report.

*Point of Order*

Hon PETER FOSS: My point of order relates to the report of the Chairman of Committees to the President. The Chairman of Committees reported to the President that the Bill had been considered by the Committee and reported with amendments. One of those amendments, as referred to by Hon George Cash, changes the representation of two regions - that is, the North Metropolitan Region and the South West Region - from seven members to six, and increases the representation of two other regions - that is, the Agricultural Region and the Mining and Pastoral Region - from five members to six. That in itself would appear to be possibly no problem. However, I refer to pages 43 to 45 of the uncorrected *Hansard* of Wednesday, 5 December 2001, where the minister in charge of the Bill indicated that it was not the intention of the Government - it appeared also not to be the intention of the mover of the amendment - that the amendment would ever take effect. It was revealed that the amendment was purely a device to enable the Bill to be returned to the other House and altered. It appears to me that an amendment that is not intended ever to take effect as it is, but is purely to illicit a different response from the other House, is frivolous. An amendment must be an intended amendment, not a device. Therefore, the amendment that has been reported by the committee and is now before the Chair should be disallowed on the basis that it is a frivolous amendment that clearly, given the deliberations of the Committee, was intended not to take effect as moved but rather to precipitate a response from the other House that would lead to a different legislative provision. Therefore, I believe the amendment is out of order.

*President's Ruling*

The PRESIDENT: Order! I rule that there is no point of order.

*Debate Resumed*

**HON M.J. CRIDDLE** (Agricultural) [4.50 pm]: Not long ago when I was Minister for Transport, I had to deal with the heavy transport industry in the northern part of Australia. As a result of the fact that the people in that industry felt that they had been disfranchised and had not been given the opportunity to be represented, they formed what is known as the remote areas group. What has come to the fore since the committee stage and as we face the possibility that the report will be adopted is that, once again, groups will be formed from those regions and we will have division in the community. That is one of the things that is disappointing about this legislation and some of the debate at the committee stage. When I asked Hon Christine Sharp about the point of view of the Greens (WA), she said she could understand some of the comments that have been made by the National Party and why the National Party is so opposed to the mechanism to take eight seats from the country and put them in the city. That point is now beginning to dawn on people in the community. They understand what will happen as a result of the finalisation of this Bill through the committee stage. Members will be aware that I moved for section 6 of the Electoral Distribution Act to be placed in the Electoral Amendment Bill so that the current distribution will remain. However, that will not happen, and we will go to the 15-42 model. People are certainly disappointed with that development.

Hon Peter Foss raised a point about the funding arrangements if they were put in place on the resolution of this House, and you pointed out, Mr President, that that matter should go to the Standing Committee on Procedure and Privileges for consideration. That brought to my attention the fact that had that issue been resolved, we might have seen what happened to one of my Bills last year; namely, an accommodation was required in this House, which I thought was reasonably fair, and we had to put a new Bill through the other House that reflected to some extent on the procedure that is being used in this place.

I put that view to you, Mr President. It may be that that issue needs to be clarified sooner rather than later, because when these things come up and we have that sort of result, it always leaves somewhat of a bad taste in the mouth of the people who have to wear that result. I am firmly against the adoption of the committee report. It is a sad day for people in country areas. As this legislation progresses, an increasing number of people in country areas are asking what is going on in the Parliament and where will we end up on the representation of country people in this State.

*Points of Order*

Hon N.F. MOORE: Mr President, I listened with interest to the previous point of order by Hon Peter Foss and to the concept that he raised; namely, that the amendment is frivolous. I am also aware of your determination that there is no point of order. Mr President, would you be kind enough to indicate to the House the reasons that there is no point of order in respect of the matters raised by Hon Peter Foss?

The PRESIDENT: I invite the Leader of the Opposition to point out the relevant standing order that pertains to overturning an amendment that has been accepted as an order during the committee stage and that would be ruled out at this stage or be cause to overthrow the adoption of the report. I cannot see the basis for any such ruling.

Hon PETER FOSS: Mr President, the Leader of the Opposition has asked whether you could give your reasons, not necessarily now but perhaps at a later date. It is an important matter. There is no doubt that the President's having said something, it is right. However, it would be of great use to the House if the reasons could be given in a more formal manner. If you rule that it is not possible to raise this point of order at this time, that is fine. However, it is the sort of matter that requires some formal consideration and deliberation, and we would be very grateful for the opportunity to have your formal and considered opinion. Although I am not for one moment demurring from your ruling on the point of order, for the benefit of the House and its future understanding of the matter, it would be very helpful to have a ruling from you.

The PRESIDENT: I will be happy at a later time to give a considered opinion that may be incorporated in *Hansard*.

Question put and a division taken with the following result -

**Extract from *Hansard***  
[COUNCIL - Tuesday, 11 December 2001]  
p6744b-6747a

Hon Nick Griffiths; Hon George Cash; Hon Peter Foss; President; Hon Murray Criddle; Hon Norman Moore

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Ayes (14)

Hon Kim Chance	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon N.D. Griffiths	Hon Jim Scott	Hon E.R.J. Dermer ( <i>Teller</i> )
Hon Kate Doust	Hon Dee Margetts	Hon Christine Sharp	
Hon Sue Ellery	Hon Louise Pratt	Hon Tom Stephens	

Noes (13)

Hon Alan Cadby	Hon John Fischer	Hon Robyn McSweeney	Hon B.M. Donaldson ( <i>Teller</i> )
Hon George Cash	Hon Ray Halligan	Hon N.F. Moore	
Hon Murray Criddle	Hon Frank Hough	Hon Simon O'Brien	
Hon Paddy Embry	Hon Barry House	Hon W.N. Stretch	

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Pairs

Hon Jon Ford	Hon Peter Foss
Hon Ken Travers	Hon Derrick Tomlinson
Hon Adele Farina	Hon B.M. Scott

Question thus passed.

Report adopted.