

MINISTER FOR ELECTORAL AFFAIRS, NO CONFIDENCE MOTION

Standing Orders Suspension - Motion

MR P.D. OMODEI (Warren-Blackwood - Deputy Leader of the Opposition) [10.08 am] - without notice: I move -

That so much of standing orders be suspended as is necessary to allow the following motion to be moved forthwith -

That this house expresses a vote of no confidence in the Minister for Electoral Affairs because of his blatant attempt to manipulate Western Australia's electoral system by putting the interests of the Labor Party before the principle of electoral fairness.

I move this motion to bring to account the minister who deceived the public of Western Australia before the election, and the deception continues today.

During his first term as Premier, the Premier promised a reduced cabinet, and he reduced the number of ministers from 17 to 14. However, the new cabinet has now been increased to 17 ministers. The Minister for Electoral Affairs has done a deal with the Greens (WA), without the public's knowledge, to increase the number of members of Parliament by four. Our understanding of what we learnt yesterday is that the number of Legislative Councillors and the number of Legislative Assembly members will each increase by two and that three of those members will be added to the metropolitan area.

The budget component of those additions will be at least \$2 million, which would go a long way to assisting the people in the south west with disabilities. No proper debate occurred on the One Vote One Value Bill. The government guillotined the third reading and prevented members of this place, particularly new members, from putting their points of view. Therefore, this house failed to properly scrutinise the legislation. We must suspend standing orders and debate the substantive motion to bring the minister to account for not allowing the people in this house to properly understand what is proposed with the One Vote One Value Bill. There is no doubt that the details of this so-called one vote, one value legislation were concealed from not only the people of Western Australia but also members of the opposition and members of Parliament.

Another reason to suspend standing orders to bring this minister to account is that the effect of representation in Western Australia goes to the very core of the reason for democratic government; yet, by guillotining the third reading debate, the Minister for Electoral Affairs and his tacticians put their own interests ahead of the community. The urgency to pass the bill was not about a pressing social need or a threat to the state; it was to ensure that the upper house had the capacity to pass the legislation before 22 May, when the complexion of the upper house will change. Western Australia must have a Minister for Electoral Affairs and Attorney General who puts the interests of the people first. The making of deals with the Greens and Independents and concealing from the public the detail of legislation and its impact on regional Western Australia in particular are indictments on the minister. This minister sets himself up as the chief legal officer in Western Australia. He has taken matters to the High Court twice and the Supreme Court once, and he has shown his willingness to employ underhand methods to achieve electoral change - he will stop at absolutely nothing, which has been seen in the deals done and in those that continue to be undertaken. The Minister for Electoral Affairs has made this issue the major focus of his life. He has wasted millions of taxpayers' dollars to further the ends of the Labor Party in Western Australia. The minister is more concerned about attacking the democratic principles he was elected to uphold rather than defending them. He lost the first legal challenge in the High Court, he lost in the Supreme Court and he lost again in the High Court. He lost three times in the highest courts in the state and the land, yet this Attorney General and Minister for Electoral Affairs continues to do deals to try to further the ends of the Labor Party. We need to suspend standing orders to challenge the minister and to make him explain to Parliament why he is proceeding in this manner, and why the people of Western Australia were not alerted to the detail of this legislation prior its coming to Parliament.

Justice Dawson of the High Court said the following in relation to one of the court challenges -

. . . to ignore community of interest in the creation of electoral divisions and to insist on merely equality of numbers . . . would be likely to produce inequality rather than equality of voting value.

He further stated -

. . . no Australian colony at the time of federation insisted upon practical equality in the size of electoral divisions and the view was then plainly open that problems of communication and access in geographically large electorates outside a metropolitan area justify different numerical sizes in electoral divisions.

Point of Order

MR J.C. KOBELKE: The member has been speaking for five minutes on the issue the house would debate if standing orders were suspended. I put it to you, Madam Deputy Speaker, that the Deputy Leader of the Opposition needs to address why we should suspend standing orders. This is an unusual step to take. Today's notice paper contains a motion that was debated yesterday dealing with the issue, and the potential exists for a matter of public interest to be moved on this issue. The urgency of the suspension needs to be addressed by the member, not the substance of the matter that could be debated if the suspension were carried.

MR D.F. BARRON-SULLIVAN: The Deputy Leader of the Opposition has been expressing quite clearly why it is necessary to debate this matter now. It has been a convention of this house that a member be allowed to be heard out a little in these circumstances: sometimes it is necessary to put a degree of argument on the motion to be debated following the suspension to demonstrate the importance of the matter. This is a matter of extreme public importance. Members need only look at today's media to understand that point. The house has not had the opportunity to debate the details of the matter, as they were released only late yesterday - the opposition has had half a day to examine it. The government has had plenty of time to enunciate its policies on electoral change. The government introduced legislation recently, but it is clear the government is completely changing its legislative framework. I give an example of a reason for dealing with this matter now; namely, the fact that what is being proposed radically changes the nature of legislation currently before the upper house.

The DEPUTY SPEAKER: The member will address the point of order, not debate the issue outlined in the motion.

Mr D.F. BARRON-SULLIVAN: I think some leeway is appropriate.

The DEPUTY SPEAKER: I take on board the comments of the Leader of the House in that the Deputy Leader of the Opposition on occasion tended to go into debate on the issues of the motion; however, his comments were in the context of the suspension of standing orders. I ask the member with the call to limit his remarks to debate about the suspension of standing orders.

Debate Resumed

MR P.D. OMODEI: The real substance of the motion to be debated is the advantage to be gained by the Labor Party from the actions of the Minister for Electoral Affairs with this legislation. A very important reason to suspend standing orders is to bring the minister to account. Another reason relates to Justice Dawson's comments in the High Court concerning electoral fairness, rather than equality of numbers.

Mr J.C. Kobelke: Why not use an MPI today?

MR P.D. OMODEI: The opposition chose to take this opportunity, Leader of the House, to move this motion to suspend standing orders because the issue of one vote, one value is most prominent in today's Press right around Western Australia.

Just to move slightly away from the suspension, we are in the chamber dealing with this matter today because the Labor Party yesterday leaked maps about electoral boundaries, obviously to take off the agenda the cost overrun with the MetroRail project. Having leaked that information, one vote, one value is obviously very prominent in Parliament this week. I understand that the Legislative Council has begun to debate the so-called one vote, one value legislation, which the Leader of the House knows full well is not one vote, one value legislation - everybody in this Parliament knows that; the people of Western Australia need to know it. It is fundamental for people who live in the South West and Agricultural Regions of Western Australia. We know what will happen as a result of that legislation.

I repeat Justice Dawson's comments -

... no Australian colony at the time of federation insisted upon practical equality in the size of electoral divisions and the view was then plainly open that problems of communication and access in geographically large electorates outside a metropolitan area justify different numerical sizes in electoral divisions. That is a view which obviously still prevails in Western Australia . . .

They are the words of Justice Dawson of the High Court, not mine.

The DEPUTY SPEAKER: I want the member to address the suspension of standing orders.

MR P.D. OMODEI: The suspension of standing orders will allow us to move a no-confidence motion against the Minister for Electoral Affairs because of his attempts to blatantly manipulate Western Australia's electoral system and to put the interests of the Labor Party ahead of the interests of the people of Western Australia and ahead of electoral fairness. This is a very important issue. The notion of electoral fairness has been ignored by this government and by the minister. The minister has been acting unilaterally on this matter. Looks of shock were seen on faces on the government side of the chamber yesterday when the maps were circulated. Everybody in the Labor Party was looking for the electoral boundaries in the metropolitan area. Members opposite

wondered how much easier it would be to win seats, as all seats will reduce in size by at least 3 000 voters. In the meantime, people in the South West Region will be disadvantaged to the extent that the number of Legislative Assembly members representing the area will reduce from 11 to seven. Also, one fewer Legislative Councillor will represent the area. There are to be two new members of the upper house and two new members of the lower house. However, that was not projected to the people of Western Australia prior to the recent state election. That is why we need to suspend standing orders. We must challenge and censure the minister. This has been a crusade by the minister - it has been his whole life. The fact that his actions have cost millions of taxpayers' dollars, and the fact that he is still undertaking deals with the Greens and Independents in this Parliament, is testament to the fact that the minister needs to be censured for his actions.

Undoubtedly, this legislation proposed as one vote, one value legislation is not one vote, one value legislation. The government will quarantine the Mining and Pastoral Region and apply vote weighting. The government is also doing a deal with the Greens to ensure that there are 36 members of the upper house and, in so doing, ensure the future of the Greens in this state - the Greens party that went from five members to two members at the last election. This is not about electoral fairness; this is about the Labor Party winning the next election. The reason that standing orders need to be suspended is to enable us to move a motion of no confidence in the Minister for Electoral Affairs. The effect of this legislation will be that instead of the conservative parties having to win four seats at the next election, they will need to win eight or nine. This legislation also will allow the government to further amend the boundaries four years after 2007 to ensure its incumbency for a further four years. The government can reject the motion; we know it has the numbers. However, if it rejects the motion, it will simply highlight the treachery of the government and the Minister for Electoral Affairs.

We know that there is no such thing as one vote, one value. It has been proved during the debate. The second reading debate on the legislation provided no detail, although there was some at the third reading -

The DEPUTY SPEAKER: The member is testing my patience. I want to hear some arguments for why standing orders should be suspended.

Mr P.D. OMODEI: We need to suspend standing orders to censure the minister because he has misled this Parliament and the people of Western Australia.

Mr J.C. Kobelke: You can do that with an MPI this afternoon. Why now?

Mr D.F. Barron-Sullivan: An MPI gives the opposition only half an hour to detail a case against a minister. This is a serious matter. We are detailing a case against the Minister for Electoral Affairs. We cannot do that in half an hour. This is something that could take the bulk of the day.

Mr J.C. Kobelke interjected.

Mr P.D. OMODEI: This matter is very important and I do not want to go over the issues. It has been referred to in *The West Australian* and on talkback radio this morning. My telephone has been running hot with people asking me what is happening.

Several members interjected.

The DEPUTY SPEAKER: Order, members! I am having difficulty hearing the member with the call, as I am sure is the Hansard reporter.

Mr P.D. OMODEI: It is absolutely important that we suspend standing orders so that we can move a motion of no confidence in the Minister for Electoral Affairs because of his blatant attempts to manipulate matters for political favour, which continue today. They are not based on anything to do with fairness in electoral boundaries; they are to do with favouring the Labor Party. That is why we have moved the motion to suspend standing orders.

Question to be Put

MR J.C. KOBELKE (Balcatta - Leader of the House) [10.22 am]: I move -

That the question be now put.

Mr M.W. Trenorden: That is absolutely disgraceful! I will not put up with this.

The DEPUTY SPEAKER (Mrs D.J. Guise): As members know fair well, a procedural motion is before the house and I have to put it and I will.

Mr M.W. Trenorden: It is absolutely disgusting! This is one of the really disgraceful moments in this house!

The DEPUTY SPEAKER: The member may not like it -

Mr M.W. Trenorden: This is absolutely disgraceful, Madam Deputy Speaker.

The DEPUTY SPEAKER: I call the member for Avon to order for the first time.

Mr M.W. Trenorden: You can throw me out if you like, Madam Deputy Speaker. This is a disgraceful moment in this chamber.

Question put and a division called for.

Bells rung and the house divided.

Mr M.W. Trenorden: This is a disgraceful act by you, Madam Deputy Speaker.

The DEPUTY SPEAKER: I will warn the member again.

Mr M.W. TRENORDEN: Madam Deputy Speaker -

The DEPUTY SPEAKER: We are in the middle of a division, member for Avon. We will deal with it afterwards.

The division resulted as follows -

Ayes (24)

Mr J.J.M. Bowler	Mr J.N. Hyde	Mr N.R. Marlborough	Mr E.S. Ripper
Mr A.J. Carpenter	Mr J.C. Kobelke	Mrs C.A. Martin	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mr M.P. Murray	Mr T.G. Stephens
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Mr P.B. Watson
Mr S.R. Hill	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Whitely
Mrs J. Hughes (Teller)	Ms S.M. McHale	Ms J.A. Radisich	Mr D.A. Templeman

Noes (20)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr D.T. Redman	Mr M.W. Trenorden
Mr T.R. Buswell	Mr B.J. Grylls	Mr A.J. Simpson	Mr T.K. Waldron
Mr G.M. Castrilli	Dr K.D. Hames	Mr G. Snook	Mr G.A. Woodhams
Dr E. Constable	Ms K. Hodson-Thomas	Mr T.R. Sprigg	Dr J.M. Woollard
Mr M.J. Cowper	Mr P.D. Omodei	Dr S.C. Thomas	Dr G.G. Jacobs (Teller)

Pairs

Dr G.I. Gallop	Mr M.J. Birney
Mr M. McGowan	Mr C.J. Barnett
Mr J.R. Quigley	Mr J.E. McGrath
Mr P.W. Andrews	Ms S.E. Walker
Mr A.D. McRae	Mr R.F. Johnson

Question thus passed.

Standing Orders Suspension - Motion Resumed

The DEPUTY SPEAKER: Members, we are now dealing with the suspension of standing orders. The question is that the motion be agreed to.

Question put and negatived.

Point of Order

Mr M.W. TRENORDEN: I will ask for a little leniency from you, Madam Deputy Speaker, and from the chamber. I am red hot angry.

Several members interjected.

Mr M.W. TRENORDEN: Members can scoff at this, but I will ask for a little leniency from the Deputy Speaker.

The DEPUTY SPEAKER: Is this a point of order, member for Avon?

Mr M.W. TRENORDEN: I wish to raise a point of order about the procedures of this house. I suggest that we take a break for a few moments and that the Speaker be asked to return to the chamber and reflect on what has just happened.

Several members interjected.

Mr M.W. TRENORDEN: Members opposite want to play political games. I am talking about the procedures of this house.

Several members interjected.

Mr M.W. TRENORDEN: We are not following the procedures of this house. Maybe for a moment members could forget about their political hats and think about being one of the 57 members of this chamber.

The DEPUTY SPEAKER: This needs to be either a direct point of order in reference to a standing order or a question of challenging the Chair. The member needs to make it very clear.

Mr M.W. TRENORDEN: I was getting to the point of challenging the Chair, which I do not want to do because it is a very serious matter. I put to you, Madam Deputy Speaker, that a motion of no confidence in a government minister is a very serious matter. There are no more serious matters in this chamber, except for a loss of government. We need to put that at the top. I suggest to you, Madam Deputy Speaker, that the Speaker should have been in the chair because of the seriousness of the matter, and that is the point I am raising with you. I would like the chamber to take a break so that we can recommit the previous -

Mr J.C. KOBELKE: I have a point of order.

Several members interjected.

The DEPUTY SPEAKER: Before I take the next point of order, I will make this point once again very clearly. The member needs to be succinct about whether this is a point of order in relation to a specific standing order, or whether he wants to dissent from a decision of the Chair.

Mr J.C. KOBELKE: I sought to give the Leader of the National Party some time to make the point, although it was not clear whether it was a point of order. It seems, while he has been rambling on, that there is no point of order and we need to get on with the business of the house.