

**LOCAL GOVERNMENT AMENDMENT BILL (NO. 2) 2006**

*Committee*

The Deputy Chairman of Committees (Hon Ray Halligan) in the chair; Hon Ljiljana Ravlich (Minister for Local Government) in charge of the bill.

**Clause 1: Short title -**

**Hon ROBYN McSWEENEY:** The opposition does not agree with what the government is introducing: it is changing the system from first-past-the-post to preferential proportional voting. We see this as Australian Labor Party policy, and the change is introduced for no other reason than that.

I use the opportunity of speaking on the short title to explain why the minority members of the Standing Committee on Environment and Public Affairs, Hon Bruce Donaldson and I, did not agree that the Local Government Amendment Bill (No. 2) 2006 should be passed without amendment. The minority members of the committee thought that the taking of evidence and receipt of submissions during the inquiry clearly showed no call had been made to change the existing first-past-the-post system for local government elections from either local government or the community. It was very clear to us that the 116 submissions - 80 of them from local government - were quite outspoken in saying that there should be no change. Like us, local government did not see any reason for the change. Local governments were quite vocal, even mounting a media campaign to get the bill split in the first instance. The government has also ignored the Local Government Advisory Board recommendation that the current provisions for the first-past-the-post voting system be retained. One would wonder why the government has established the Local Government Advisory Board if it does not intend to take any notice of it or, indeed, the Department of Local Government and Regional Development. There was overwhelming opposition from many local government authorities to the proposed changes to preferential voting and proportional representation. No public benefit or improved democratic voting outcomes have been demonstrated or identified. There was a clear lack of consultation with local government authorities and their association representatives, which did not meet the guidelines outlined in the intergovernmental agreement between the state and local government. That needs to be taken on board.

The proposed change will create three types of vote counting, namely, first-past-the-post, preferential voting and proportional representation, which will create greater confusion. For example, 403 000 electors will use preferential voting for large local government authorities - Stirling, Wanneroo, Joondalup and Melville. This represents one third of all eligible voters in Western Australia. A number of other councils will also come under this voting regime. As Western Australia does not have a compulsory voting regime for local government, evidence shows the use of postal voting conducted by the Western Australian Electoral Commission has helped in improving voter turnout. No evidence exists to show changes to the existing voting regime will increase voter turnout.

Evidence from New South Wales and Queensland shows that political, factional and alliance groups have an influence in elections. Although there are some influences in WA elections at present, there is no guarantee that these will not increase under the proposed changes. The Western Australian Local Government Association tabled an article from *The Age* newspaper dated 13 December 2006 which reported on the 2006 Victorian State election. This was the first election for the Legislative Council under proportional representation. *The Age* reported that two Democratic Labor Party candidates were elected with just 2.76 per cent of the primary vote. When the count was finalised the DLP gained one seat in the Legislative Council.

I found it interesting that the committee, by a majority comprising Hon Louise Pratt, Hon Kate Doust and Hon Paul Llewellyn, found no evidence to support claims that party political involvement, factions or alliances, or the election of single-issue candidates would increase as a result of the proposed change to the electoral system contained in the bill. However, Hon Bruce Donaldson and I believe that, on the evidence heard, proportional representation will allow for greater political interference, which is what most of the local government submissions also foreshadowed. It will be easier for single-issue candidates to be elected under proportional representation, which is not in the best interests of the community or local government. I firmly believe that, under this new system, there will be more political interference, because candidates can set up preferences. It will be harder for people who really want to be elected to the council, when someone who is not actually the preferred candidate is elected. Hon Bruce Donaldson is more knowledgeable than I am on local government voting systems. Dr Harry Phillips and a few members of the public spoke to the committee. Dr Harry Phillips spoke on the proposed new voting system. If it is to be a preferential voting system we would be going back to the system that operated 10 years ago. This is proportional preferential voting. Hon Bruce Donaldson and I believe that the government is bringing in this system for no reason other than it is Labor Party policy.

Hon Bruce Donaldson; Deputy Chairman; Hon Paul Llewellyn; Hon Murray Criddle; Hon Ljiljanna Ravlich;  
Deputy President

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**Hon BRUCE DONALDSON:** Like my colleague, I sat on that committee and I waited patiently for somebody to tell me the real reason behind the change to the vote counting arrangements in local government elections. That explanation was not forthcoming, and I had no alternative to coming back to what I believed to be the reason; that is, that it is either government policy, ideology or philosophy. We recognise that the government has a right to amend the legislation. However, this is a very poor attempt. The government should have been honest and said that the proposed amendment reflects the Labor Party platform which is, firstly, compulsory voting, secondly, preferential voting and, thirdly, proportional preferential voting. That explanation would have been acceptable to me.

A comment made prior to this measure going to the committee for consideration was that this bill would provide an opportunity for single issue candidates to be elected to local government. I repeat what I have said previously; that is, when I was in local government, the last person I would want around the table was a person who was elected to council based on a single issue. At the end of the day, local government must address a broad range of issues. In my time in local government the single issue councillor ended up making a factional alliance, thus interfering with some of the good work that the council had done in providing a service delivery to its electors.

The government should be honest and admit that this bill has been introduced because of Labor Party policy. It does not matter what anybody says, that is the reason behind the proposed changes to the Local Government Act.

I wanted to amend this bill. I sought legal advice and I have been advised that I would have to amend the 1995 Local Government Act to achieve my aim; that is, to move back to preferential voting. I understand that preferential voting in local government was introduced in 1919 and was in vogue up to 1995. The reason I looked at this issue is that it was clearly identified that the cities of Stirling, Joondalup, Wanneroo and Melville, in which there are a total of 403 000 electors, will use the preferential voting system. I understand that other councils will also use that system. The reason they will use the preferential voting system is that they have a ward system, and, with elections held every two years, only one or two councillors will be elected at each election. Over one-third of the people eligible to vote in local government elections will be subject to the preferential voting system. Local government elections are not compulsory; therefore, ratepayers are not compelled to vote. However, that is what will occur. In a lot of other councils, because of the very nature of the wards, it may be the first-past-the-post system. There are multimember vacancies in 60-odd councils that have scrapped the ward system. A lot of those small councils scrapped the ward system simply because it was very difficult to get representation for rural constituents under the one vote, one value arrangement. We are finishing up with three - not one - vote counting procedures. It would have been far better to go back to preferential voting. However, on legal advice I found out that I could not move such an amendment. I spoke to the Western Australian Local Government Association. Its state council considered a couple of issues a couple of times and said that it was going to the wall on the first-past-the-post system. I guess the view of the association was representative of the overwhelming majority of Western Australian councils that have been very happy with first-past-the-post.

I said in my contribution to the second reading debate that there was some confusion at the time in our party room on the question of preferential or first-past-the-post voting. As it turned out, the party room resolved to go for first-past-the-post.

**Hon Ljiljanna Ravlich:** You were going to have proportional, weren't you, at one time? You went from preferential to proportional and then at the last minute you couldn't get it through the party room, or there was some confusion.

**Hon BRUCE DONALDSON:** I think the minister is wandering away a little from the truth. I was there.

**Hon Ljiljanna Ravlich:** Were you?

**Hon BRUCE DONALDSON:** I was there; I know what happened.

**Hon Ljiljanna Ravlich:** Come on!

**The DEPUTY CHAIRMAN (Hon Ray Halligan):** The minister will have an opportunity to respond.

**Hon BRUCE DONALDSON:** Yes, she will have an opportunity to respond.

The interesting part about this legislation is that there has been no call from the wider community or from the electors of local government that there is anything wrong with the way people are elected to council. The electors have a perfect opportunity every two years to get rid of almost half the number of their council members, if they so desire. A question has been raised about a move to proportional representation voting. The government has not suggested an alternative. I believe the government should have considered more seriously

the suggestion that we should stick to preferential voting. I believe that would be an acceptable compromise. It would also demonstrate to the general public that the move is being made for the right reasons.

I have news for anybody who tells me that proportional representation is a greater form of democracy: it ain't. It is no different from preferential voting or first-past-the-post. Democracy will not spread by moving to proportional representation. Other states, such as New South Wales, have voting above the line, just like we vote for the Senate and the Legislative Council. That has introduced politics in New South Wales to the extreme. There are tickets with candidates' names, just like the Senate and the Legislative Council. Although that is not in this bill, there is nothing in the bill to say that the government will not introduce another bill at a later stage to amend the Local Government Act in that way. I am not sure whether the government could amend this bill. It may have to repeal certain clauses, such as clause 4(1), so that voting above the line could be introduced.

It is interesting to look at the issues. We heard very good evidence from Mayor Charlie Gregorini, who, as all members know, was the chairman of the Local Government Advisory Board. That board conducted an inquiry into the matter and recommended that the voting system should remain the same. Currently, it is a first-past-the-post system. I have a very healthy respect for Charlie Gregorini and for the Local Government Advisory Board. It made a recommendation free of political involvement. It looked at the facts rather than a political reason to make a change. As I said, though, I cannot deny that any government has the right to do that.

[Leave granted for the member's time to be extended.]

**Hon BRUCE DONALDSON:** I might as well -

**Hon Ljiljana Ravlich:** You might as well get it off your chest.

**Hon BRUCE DONALDSON:** I am very comfortable with all this. I am glad to see that the minister is smiling. I am waiting to hear the minister explain why she believes the changes should occur.

Hon Robyn McSweeney outlined the reasons for our minority view, which does not support the passage of the Local Government Amendment Bill (No. 2) 2006 without amendment. Three beats two any time. I can still count. I can still count that 17 votes beats 16 votes at the end of the day.

A worrying concern has been the lack of consultation with local government. There are varying forms of consultation, and it depends on how it is interpreted. There is a protocol between the state government and local government for making changes that affect local government. Local government was given an assurance that a lot of the issues would be debated and discussed with local government prior to certain things happening. As I understand it, that did not take place. The Western Australian Local Government Association has not given any indication to the opposition that that consultation took place. Hon Kate Doust asked a question of the Electoral Commissioner, Mr Warwick Gately, about proportional representation using the inclusive Gregory system of vote counting for the proportional voting count arrangements that will take place in some councils. He mentioned the weighted inclusive Gregory system because of the difficulties that apparently were experienced in the 2001 council elections in the Mining and Pastoral Region when Mr Greg Smith was defeated. The difficulties were related to the transfer and value of those votes. Unfortunately, the matter was not tested in the High Court, which it probably should have been. The prospect of raising \$250 000 was too daunting to take on that case. Mr Gately responded to Hon Kate Doust's question by saying that the state Electoral Commission had since changed the system, which now includes a far better arrangement that removes the anomaly experienced under the proportional representation system. One can only surmise and speculate on whether it was a pity the matter did not go to the High Court at that time. Although there was no admission that the anomaly existed, the fact that the Electoral Commission changed the Gregory system to be a weighted inclusive Gregory system of counting was very pertinent.

I also understand that the Electoral Commission has been developing a software package to assist local governments with the counting of votes if the Electoral Commission does not provide that role and local governments move to postal voting. Postal voting has lifted voter turnout or the recorded votes of electors in many local councils. There is no other reason for it. Simply, a lot of people vote at both commonwealth and state elections because they have to get their name crossed off. Voting is not compulsory but attendance is compulsory in some shape or form, whether it is an absent vote or a postal vote. What people do to the ballot paper inside the booth is irrelevant. Anybody who has done any scrutineering will often see some very interesting comments made on the ballot paper, and they are not for publication. It means that the average person is interested in local government.

Some of the ratepayers' meetings - they are called electors' meetings these days - in some local authorities are sometimes attended by not many more than the assembled staff and councillors. If something is sent out to residents indicating that the council may be in debt to the tune of \$1.5 million or \$2 million, the hall will be

packed. Local government is closest to the people. It really does govern our lives. From the time we get up in the morning to the time we go to bed at night, local government has more involvement in our lives than any other form of government. We all probably take it for granted. We are all probably pretty apathetic. It does not mean that local governments should be treated differently. They are a creature of the state and have been legislated for. They have been treated with total disrespect. It was quite clear that the government could have sat down with local government and come up with a suitable compromise, if it really wanted to. We all know why this legislation has come about. The way it was done was very crafty. The Local Government Amendment Bill was introduced to change the local government elections from May to October because a lot of new councillors are elected in May, by which stage the budget process has already started and the new councillors face a budget. Some of the bigger councils have quite large budgets. Local governments felt that by changing the elections to October, those new councillors would be very much part of the lead-up to the budget process the following year.

I have been to the eastern states. As most members would know, I had a large involvement in local government at a Western Australian and Australian level and I saw what happened. For argument's sake, the City of Brisbane's council chamber is like this chamber. The government sits on one side and the opposition sits on the other side. It is so factionalised that the deputy mayor has two electorate officers, he is given a car and his salary is equivalent to that of the minister at the table. I know that the City of Brisbane has a very large budget; in fact, at one stage it got close to that of Tasmania. I think Tasmania has gone a bit ahead since then. It delivers a wide range of services to the greater City of Brisbane area.

Local government in New South Wales is certainly a very political arrangement, caused by a proportional representation voting system and voting above the line. We are seeing a greater political influence in Victoria and South Australia. If someone says to me that there is no political involvement or factionalism within WA local government, I just laugh because they really do not understand it. It has been alive and well for as long as I can remember. I can tell members now that if I wanted to be elected and I made sure I had a nice little team running with me, I could be elected. What worries me is that people with a very low percentage of the primary vote can be elected. If members tell me that that is representative of what the people want, I will go he. It is not what people are really after. Under the first-past-the-post system, candidates must get off their backsides and sell themselves. Candidates do not have to do that as much under proportional representation if they have a nice ticket running for them. Whether the system is preferential voting or first-past-the-post, it has served local government very well for many years. I am very sorry that this bill reflects political persuasion.

**Hon PAUL LLEWELLYN:** It is fair to say that the Greens (WA) sought to split this bill and refer it to the Standing Committee on Environment and Public Affairs in response to concerns raised by the Western Australian Local Government Association about the fairness of process.

**Hon Murray Criddle:** You wouldn't say that you were the only people involved in that, would you?

**Hon PAUL LLEWELLYN:** It was referred to the standing committee in response to the Western Australian Local Government Association's calls for a committee to have a serious look at the implications of changes to the electoral system at local government level. The original bill sought to change the time at which local government elections are held, which, at face value, makes good sense. Subsequently, a fairly significant change was made to the construction of the bill and a change in the voting system was added to it. It is fair to say that, from the evidence the Greens received, adequate consultation was not undertaken on the more significant changes and that is why we referred the bill to the standing committee. The purpose of referring the bill to the standing committee was so that a fair hearing would be given to the concerns raised by the WA Local Government Association and other local governments and to examine the principles underpinning the change in the electoral system. I think the committee succeeded in giving a fair hearing to the substantial arguments. The arguments heard by the committee were relatively narrow; they were about politicisation, increased costs to local government and so on, and that introducing a more complex voting system would confuse the public.

I will deal with the issues one by one and discuss the first principles that relate to what constitutes good governance and good democracy. The first principle is the principle of proportionality; that is, representatives at local government level are represented in proportion to the sentiments in the community. If the electoral system is changed to reflect proportionality, it will actually reflect a good democratic principle. It is fair to say that the changes that will be made to the Local Government Act will serve the principles of proportionality well.

The second principle that should be looked at is the majoritarian principle; that is, the views of the majority of people who elect a particular candidate should be reflected. It is fair to say that the changes to the electoral system will reflect the majoritarian principle more fairly. There is good argument that while Western Australia enjoys a simple local government electoral system of first-past-the-post, it does not necessarily stand up to the

scrutiny of good democratic principles or to the principles of fair and equitable representation. The evidence we received spelled out some of those principles.

When we delve into the issue of local government elections a plethora of issues arise, such as compulsory voting versus non-compulsory voting; that came up time and again. There might have been a good case for reviewing the principle of compulsory voting in this bill, but that case was not made. I think it is an issue we could deal with another day. The question of what constitutes good governance at the local level was also raised. That is, what is the quality of the decision-making; what is the quality of the administrations that underpin the people who represent local constituents? In other words, has there been a qualitative change since we moved in 1995 from the preferential voting system to the first-past-the-post system? I think the arguments were seriously inconclusive. There has not been a seismic shift in the quality of governments, the structure of administrations and the responsibility and dedication of the representatives. Are local government representatives increasingly defaulting on turning up to meetings? Is there a big increase in participation on committees? Is there effectively an undermining of the democratic institutions that underpin local government? It is fair to say there was no seismic shift. No evidence was presented that that was happening and that there was corruption of the body politic.

Moving on to the question of politicisation, or political interference, I think there is sufficient evidence to suggest that compared to the proportional and preferential voting systems, the first-past-the-post system does not necessarily lead per se to political influence and individuals being elected who represent a narrow interest base, the so-called single issue candidates.

**Hon Peter Collier** interjected.

**Hon PAUL LLEWELLYN:** There is no conclusive evidence that either of those systems of necessity leads straight to political influence. That was reflected in the evidence on several occasions. I will not read the evidence in support of that but, for example, there is considerable political interference and involvement at the local government level in the United Kingdom and it has a first-past-the-post electoral system. So, the evidence was quite unclear. In fact, on the balance of evidence, it seems clear to me at any rate that there was no persuasive argument to suggest that local governments will be more politicised and have more interference as a result of the changes proposed in this legislation.

Finally, it is true to say that proportional preferential voting - we were told never to use those terms together - will impose an additional cost on local governments, particularly in regional areas. The principle of cost neutrality to local government is one that I and the Greens felt needed to be guaranteed under these proposed changes. In other words, for small councils in remote areas, the relative simplicity of first past the post will serve the purpose very well, because it will achieve an early election result and the outcome will be relatively simple. Provided there is adequate capacity building from both the Department of Local Government and Regional Development and the Western Australian Electoral Commission to assist local governments to discharge their responsibilities to count the votes - I notice the time, so I will sit down and then stand again for a second; it will not take long -

**The DEPUTY CHAIRMAN (Hon Ray Halligan):** If no other member stands at this time, I will give the call to Hon Paul Llewellyn.

**Hon PAUL LLEWELLYN:** We would like to get from the minister's representative an undertaking that the question of cost neutrality to local government will be addressed as part of the implementation of this change. We understand that the Western Australian Electoral Commission and the Department of Local Government and Regional Development are prepared to bring in this change in time for the forthcoming local government elections. I would need to get that confirmed, as it is several weeks since we had that conversation. I would like to be assured that the government and the institutions are ready to do that. The timing and funding of local government elections, and the process that will be undertaken in rolling out this new system, will be central to ensuring a smooth transition. I want to be assured that an adequate education program will be put in place, not just among local government agencies and the institutions that support them, but also within the community, so that the electorate will fully understand this new system. It is fair to acknowledge Hon Bruce Donaldson's point that this bill is introducing by default three separate and operationally different electoral procedures. I do not think that is problematic. It is a consequence of the fact that in some local government wards, people are elected unopposed. It is probably worth noting that at the local government level that happens quite often. By and large, the voting system at the local government level will remain simple, by default. Any complexity that may arise will be only in those areas that are more likely to be able to cope with the change. The Greens support the egalitarian, proportionality and equity principles that will be brought forward by this bill. We support the bill as it stands.

**Hon MURRAY CRIDDLE:** I was interested in Hon Paul Llewellyn's reference to the fact that the Greens were involved in the development of this bill. From my memory of this matter, the Greens became involved when the bills were split. The actual work that was done on this bill goes back to a long time before that. I just referred to all the amendments that were put forward by me and by Hon Robyn McSweeney and the work that was done with local government, albeit totally ignored by the current government when it came to putting the process in place. There was very little consultation at that time. I think we have to recognise those people who actually put a few hours into the job.

The other point I make is that I thought democracy was about putting in place the wishes of the people. From my understanding of this legislation and from what the people who have contacted me have said, it is very clear to me that local government does not want this change in the voting system. Having read the result of the negotiations and having seen what we have in front of us, it is a very complicated set of systems - three different ways of voting. A person would have to really apply himself to recognise how the process is going to work. The questions I ask the minister are these: who will administer this voting system? Will it be the Western Australian Electoral Commission that comes on board? How much is this going to cost each individual council? What is the time frame and how will it be administered? I believe they are the relevant points that we need to make known. If there is a cost, will the government take on that cost, and will the government be involved in the administration of this system or will it not? There are a few questions that I would like to be answered by the minister before we go any further with this bill.

I have looked at the report. In reading through the findings and recommendations of the two groups of members, there is very little that convinces me one way or the other. Therefore, I wonder why we are changing the system, based on very little reasoning. I really have some problems with the change that has been mooted in this legislation and the changes that have been put forward. As for talking about democracy, I thought that was about the will of the people. From my point of view, the will of the people - I meet with a lot of these people - is that they do not want the change, and local government does not want the change. I will listen very attentively to the minister's reply.

**Hon BRUCE DONALDSON:** There are a couple of issues which I did not have time to address previously and which I would like to address now. First, I understand that the minister had a meeting with the Western Australian Local Government Association at which it put a proposition to the minister that she should think carefully about when she was going to introduce these voting arrangements; that is, whether they would be introduced for October 2007 or whether they would be delayed until after that to allow for all the consultation with and the education of local government to occur. This bill is placed high on the notice paper; it is second in the orders of the day for today. In fact, progress was reported on another bill and leave was granted to sit again, and this bill was called on.

I happened to run into a couple of the WA Local Government Association senior administration staff today, and I told them the bad news that I thought WALGA's proposition had gone down the gurgler, and I did not think the minister was going to do anything about delaying the implementation of these voting arrangements. I think they were taken aback a little, but that is between the minister and them.

As stated in the report of the Standing Committee on Environment and Public Affairs, Hon Kate Doust asked Mr Warwick Gately, the Electoral Commissioner, the following question -

*Can you please explain to us the difference between weighted inclusive Gregory and inclusive Gregory?*

Mr Gately said -

*It is a very subtle change to do with the transfer value of votes at the late stages of the proportional representation count. The Legislative Council elections for the last five elections have been conducted on the inclusive Gregory system. On one occasion in Mining and Pastoral there was a complaint that the Electoral Commission did not adhere to the legislation as it was written in the way in which the value of those votes were transferred. That was not correct, but it identified an anomaly in inclusive Gregory whereby there is the potential for votes to increase in value as they are transferred. It is very unusual, but it is recognised as a potential.*

As we know, the move to a weighted inclusive Gregory system was part of the Electoral Legislation Amendment Bill 2006, along with a range of other electoral reforms. It is pertinent that the minister should inform the committee about proportional representation voting in the weighted inclusive Gregory system and in the inclusive Gregory system and the transfer of value of votes. The committee would be most enlightened to hear the minister explain that because it is a very complex issue, and we would all learn a great deal. I am sure the minister is listening. She will be able to give us a very full account of how the votes are transferred.

**Hon Louise Pratt:** You are very mean, Bruce Donaldson!

**Hon BRUCE DONALDSON:** The minister should be right across this issue.

We have talked about democratic outcomes. At page 44 of the report, 7.3.i states -

... an article from *The Age* newspaper dated 13 December 2006 which reported on the 2006 Victorian State election. This was the first election for the Legislative Council under proportional representation. At the time the article was published, *The Age* reported, that two Democratic Labor Party (DLP) candidates were elected with just 2.76% of the primary vote.

I am sure that the Australian Labor Party had hoped that the Democratic Labor Party candidates had all gone away a long time ago. It was probably the DLP that kept Labor out of power for a number of years. The DLP was not the flavour of the month with the Labor Party. All of a sudden, the DLP popped its head up over the barriers. *The Age* reported that two DLP candidates were elected with just 2.76 per cent of the primary vote. We checked on that to make sure that that was the result of the final count. As we all know, under proportional representation, the count can go on for weeks until they “push the button”. When it was finalised, the DLP had gained one seat in the Legislative Council in Victoria. Can anyone tell me that, in a primary vote, 2.76 per cent is a true representation of the people of Victoria, for goodness sake? I find that astounding.

**Hon Paul Llewellyn:** What was the quota?

**Hon BRUCE DONALDSON:** I know that the Greens would do very nicely. That is why the member would be very happy with proportional representation in council elections because he would have a damn good chance of getting some of his candidates on councils in order to block development. Of course, I am not talking about people like him who love wind farms and things like that!

**Hon Paul Llewellyn:** What was the quota again?

**Hon BRUCE DONALDSON:** It was 2.76 per cent.

**Hon Paul Llewellyn:** No, that was the primary vote. What was the quota involved in that election?

**Hon BRUCE DONALDSON:** We did get the figure but I cannot remember it; it is not in the report.

**Hon Paul Llewellyn:** It could have been five or 15 per cent.

**Hon BRUCE DONALDSON:** No; the member should not be silly.

Obviously, the minister is going to go ahead and implement these changes. I would like an answer from the minister concerning the October 2007 election. I am also looking forward to the minister’s full explanation of the inclusive Gregory system and the weighted inclusive Gregory system because I am sure we can all learn a great deal from this most informed source.

**Hon LOUISE PRATT:** I was very pleased to participate in the inquiry into this bill, and I would like to draw some points to the attention of the minister. I would think that after that considerable inquiry, my colleague Hon Bruce Donaldson should know the difference between the weighted inclusive Gregory method and -

**Hon Bruce Donaldson:** I know it, but many members of this chamber do not.

**Hon LOUISE PRATT:** Yes, and they will find the answer in our report. However, if the member wishes to test the minister on her detailed understanding of this matter, this is certainly the forum in which to do so. I certainly would not want to construe that, after our extensive inquiries, during which we went into these things in detail, Hon Bruce Donaldson does not understand the difference.

**Hon Bruce Donaldson:** I did understand, but I am worried about the rest of the members of this chamber.

**Hon LOUISE PRATT:** That is what the extensive work we did in producing our report was for. I wholeheartedly endorse the findings and recommendations of the majority of the committee. This is an appropriate time to acknowledge that preferential and proportional representation as provided for in this legislation will in my view, and that of Hon Paul Llewellyn and Hon Kate Doust, more democratically represent the views of the majority of electors. We went into some detail about the democratic underpinnings of the different electoral systems and we were amply able to demonstrate in this report the fairness and democratic nature of the proposed system.

That is not to say, as has been highlighted, that electoral systems are incapable of producing some anomalies. There are examples of those kinds of issues in the report, but those flaws are by no means particular to the electoral system we have proposed.

**Hon Murray Criddle:** How many people who made submissions to the committee support what you just said?

**Hon LOUISE PRATT:** That question is something of a furphy, because the only group that overwhelmingly supported no change was local government itself, not electors. The change was opposed by those with an interest in preserving the existing system. It would be like this chamber voting itself out of existence. The electoral system that the Western Australian Local Government Association is seeking to defend is the one under which all present councillors were elected, and this legislation fundamentally changes that system. We have documented the views presented in submissions from WALGA, the Local Government Managers Association, and a number of constituents across the state who have expressed an interest in this issue. Those submissions that actually tackled the issues of democracy and the democratic underpinnings of this legislation came out in favour of preferential and proportional voting systems. A number of national and Western Australian reform organisations made submissions supporting this method of elections. We also acknowledged that the new system is consistent with both state and federal electoral systems. They are different in a sense that there is no party registration. However, electors are familiar with the system of voting, and whichever system is implemented by local government is consistent with the manner in which we vote for both the lower and upper houses in state elections. The manner in which voters are expected to mark the ballot paper is consistent and clear, and there should be no trouble for electors in exercising their votes. That was a key finding, and it was fairly obvious, but it cut through the heart of the allegations that the old system was easy to count and simply understood. It is certainly true that the proposed system is easy to count and understand. The committee found that it will be easy for electors to understand. It is somewhat more complex to count, but the count will not take an inordinate amount of time. We will have the resources to deal with that issue.

The committee certainly did not find any evidence that the proposed change to the electoral system will increase factional or party politics beyond the level that already exists. I have said previously that party registration, which is a feature of local government elections in other states, will continue to be precluded by this legislation.

I acknowledge that many local government authorities were unhappy with the original consultation process. I am glad that the committee was able to document its views and bring them to the attention of this Parliament and the community via its report. However, that unhappiness was inevitable because there is a fundamental principle of policy at the heart of this issue on which the Western Australian Local Government Association and the state government have opposing views. This legislation was always going to create an inevitable disconnect in, and level of discontent with, the process. I find it highly unlikely that however good the consultation process was, and there was a significant level of consultation, WALGA would not like the answer that policy principle is at the heart of this legislation.

I am pleased that we are finally debating this legislation, because now we will be in a position to pass it in time for the next local government elections. The committee asked a number of questions to ensure that the proposed election system can be implemented in terms of both cost and administration, and it firmly established that.

**Hon NIGEL HALLETT:** I have just listened to seven minutes of absolute rubbish which demonstrated a total lack of understanding of local government in regional Western Australia. For a person who will represent Western Australia in the Senate, Hon Louise Pratt has a hell of a lot to learn.

**Hon Matt Benson-Lidholm:** Play the ball.

**Hon NIGEL HALLETT:** If we are playing the ball with democracy, the government would not change this legislation.

**Hon Matt Benson-Lidholm:** Do not play the man.

**Hon NIGEL HALLETT:** Nobody is talking about playing the man; we are talking about commonsense. We have a local government system that works exceptionally well today.

The Western Australian Local Government Association was not consulted on this legislation. Ninety per cent of councils do not want the proposed change. The first-past-the-post system has served local government well. Local government is about local government for local people. Most councillors have served on their local council for years and have not been paid. This government wants change. Why does the government want change? We have a system that is proven and it works. More cost will be imposed on the local government system that is already struggling to stay afloat. The government cannot tell us what the cost of this change will be. It says that it will install computers and provide training. What will be the cost to do that? The government cannot tell us. Who will administer that cost? All these questions have not been answered. This bill seems to be driven by party doctrine. It has nothing to do with what local regional councils want.

I ask the Minister for Local Government, and I do not know for how long this minister will retain that position, why she wants this change. She is out of touch with what local government wants. I endorse what Hon Murray Criddle said and I look forward to listening to the answers.



Hon Bruce Donaldson; Deputy Chairman; Hon Paul Llewellyn; Hon Murray Criddle; Hon Ljiljanna Ravlich;  
Deputy President

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**Hon ROBYN McSWEENEY:** Hon Louise Pratt talked about fairness and Hon Paul Llewellyn talked about equity. How can it be equitable when interest groups and minorities can get into local government? I refer to “minorities” because when I was the shadow Minister for Local Government I, along with others, visited Cue, where the chief executive officer of the Department of Local Government and Regional Development said that this change would be a good system because it would allow minority groups and single issue groups to be elected to local government. However, I do not believe that is democratic. These people - environmental groups, pink groups, blue groups, green groups - would not have a chance of getting into local government under the first-past-the-post system.

**Hon Ljiljanna Ravlich:** Let’s not let the migrants in!

**Hon ROBYN McSWEENEY:** Excuse me, minister?

**Hon Ljiljanna Ravlich:** We won’t let the migrants in either; heaven forbid!

**Hon ROBYN McSWEENEY:** I am just using colours - environment groups, green groups, pink groups, blue groups. Whatever group the minister wants, they would not have a chance of getting in under the first-past-the-post system. However, under this system, proportional preferential, they could get in because of the transfer of votes that goes on under this system.

**Hon Kim Chance:** So we may end up with diversity of representation; heaven forbid!

**Hon ROBYN McSWEENEY:** No, we would be getting people who are not -  
Several members interjected.

**The DEPUTY CHAIRMAN (Hon Ray Halligan):** Honourable members, Hon Robyn McSweeney has the call.

**Hon ROBYN McSWEENEY:** Thank you, Mr Deputy Chairman. If there were a blue group, a pink group and a green group and the green group was the least likely to be elected, under this system it could get up above the pink group and blue group. Does that put it plainly enough? That is how it was explained to us.

**Hon Sue Ellery:** What if you don’t like pink or blue?

**Hon ROBYN McSWEENEY:** Obviously the whole community likes pink and blue, but a little bit of the community likes green; God forbid! The green group, therefore, could get up with the transfer of votes. I do not believe that should be the case. That is why this government wants this change. There is absolutely no reason for this change. I will be interested to hear what the minister has to say when she explains the weighted Gregory system -

**Hon Bruce Donaldson:** Inclusive Gregory.

**Hon ROBYN McSWEENEY:** - the inclusive Gregory system, which Hon Bruce Donaldson wants to hear about.

**Hon LJILJANNA RAVLICH:** I first of all thank the members of the Standing Committee on Environment and Public Affairs for their excellent work on this report. I also put on record that there is general agreement that there is no such thing as a perfect electoral system anywhere. Every electoral system has its strengths and weaknesses. I take members back to 1994-95, when I understand Hon Paul Omodei was the local government minister. Members might recall a draft government bill of the coalition government, when Minister Paul Omodei was the local government minister, which proposed a move from the preferential system to a proportional system of local government elections. I say to members that this must have been driven by something -

**Hon Bruce Donaldson:** It was, by some Labor government department people in those days!

**Hon LJILJANNA RAVLICH:** Hang on! It came very close. In fact it was only at the last minute that there was a seismic shift whereby a first-past-the-post system was introduced. I cannot believe the argument of Hon Robyn McSweeney. I think the argument went along the lines that first-past-the-post would be a terrible system because basically we would end up with diversity and opportunity.

**Hon Robyn McSweeney:** First-past-the-post is a good system.

**Hon LJILJANNA RAVLICH:** Heaven forbid if we were to have people with an environmental interest, people who had a strong social conscience, people who were indigenous, people who were from different ethnic groups or people with a different perspective. My goodness!

**Hon Robyn McSweeney:** They would not be elected under first-past-the-post. Don’t misquote what I said.

**Hon LJILJANNA RAVLICH:** I find deplorable the suggestion that in this day and age it is acceptable to support a voting system that precludes that democratic participation and opportunity. However, I go back to 1995, when I understand that the then government's committee of inquiry, which was headed by Hon Bruce Donaldson, did not support the scrapping of the preferential system. The honourable member has said that there had been confusion in the government's mind about the preferential and proportional voting systems, but that the shift from one to the other had been quite well advanced. As I understand it, that was changed at the last minute only because pressure was placed on a number of points. Members opposite have said that they find the new system, which provides for either preferential or proportional representation voting, totally abhorrent. That argument is not underpinned by any logic. In fact, the opposition has flip-flopped all over the place in respect of this matter. I do not want to go on about that - because I could - but I wanted to put that view on the public record.

To argue that the first-past-the-post system is a highly political voting system that will politicise local government does not take into account that the oldest politicised democracies -

**Hon Bruce Donaldson:** Can you repeat that? You said "first-past-the-post".

**Hon LJILJANNA RAVLICH:** Can I make a correction to *Hansard*? That is exactly right.

I cannot agree with the argument that the proportional representation voting system would highly politicise local government. That certainly was not the finding of the committee and I do not think it carries much weight. Some of the oldest politicised democracies such as the United Kingdom use the first-past-the-post system. For a political grouping that is so deadset on retaining the first-past-the-post system, I am amazed that the opposition did not take up the opportunity when it was in office to change the state's electoral system from the current system to a first-past-the-post system. If the opposition really believes -

Several members interjected.

**Hon LJILJANNA RAVLICH:** I do not see members opposite lobbying the commonwealth for a change to the federal electoral system in respect of moving it to a first-past-the-post system.

One of the objectives of the legislation is to get some uniformity between the three levels of government, which is exactly what this bill attempts to do. I know that it is seen as contentious by some people, which is why it was referred to the Standing Committee on Environment and Public Affairs. We recognise that there are variations by which local governments are elected. Some are elected by whole of districts and others are elected by wards. Currently, 63 local governments are elected by whole of districts and 81 are elected by wards. Also, 25 local governments have elections for the position of mayor, 11 of which are to be held in 2007. There are also variations in the number of vacancies for whole of district and ward elections. For example, sometimes only one councillor is elected and at other times a number of councillors are elected. In the 2007 election there is anticipated to be a total of 164 single vacancy councillor elections and 173 multiple vacancy elections. These local government electoral variations need to be accommodated in a bill. It is not possible to have a one-size-fits-all system to cater for that degree of variation in the local government electoral system. Rather than do that, this bill attempts to allow for variation in the local government electoral system. When one vacancy is to be filled for wards or for whole of districts, the election will be held using a preferential voting system. However, in situations where there is more than one vacancy to be filled for wards or whole of districts, the election will be held using the proportional voting system known as the single transferable vote system. As members would be aware, the Western Australian public is very familiar with the preferential and proportional voting systems. In fact, voters at the state level have been using these systems for a long time. Preferential voting for the Legislative Assembly has occurred since 1911. Proportional voting for the Legislative Council has occurred since 1987. At the federal level, we have had preferential representation since 1918 and proportional representation in the Senate since 1948. These systems are very well established. There will be no significant change for voters.

The bill ensures that we elect our local government in the same way as we elect our state MLAs and MLCs and our federal MPs and senators. Australians have been using these systems for quite some time. They are fairer and better respect voters' wishes. Certainly, the preferences of the majority of voters are respected under the first-past-the-post system and the minority of voters can and often do prevail over the majority. I say to those who believe that the first-past-the-post system is somehow less political that it simply is not. There is nothing to underpin the view that there is an issue with that. People wanting to block this legislation have argued in desperation that it is more political. When we ask them why they think it is more political, they say, "Well, it just is." I do not think that is good enough.

Considerable support will be given to local governments. This issue has been raised. Certainly, we are well advanced in the preparation for the changes. The Department of Local Government and Regional Development

will be supporting local governments. When we come to the question of the time frame, for example, obviously it is important that we progress this legislation so that we can spend as much time as possible ensuring that everybody is familiar with the new system prior to the October elections. The department is preparing software in conjunction with the WA Electoral Commission. This will be provided free to all local governments to assist them with the count. The department will also be undertaking training sessions for returning officers around the state. We will be undertaking candidate information seminars. A broad-based community awareness campaign will also occur. We are publishing a series of bulletins to keep local governments informed about the election issues.

**Hon Norman Moore:** Have you got a TV campaign as well?

**Hon LJILJANNA RAVLICH:** No, I do not think we do. We will ensure that trained staff will be available to support the returning officers on election day and there will be no significant additional cost to local governments.

I expect that about 80 local governments that prefer the WA Electoral Commission to run elections for them will take up this option. Currently, there are 144 local governments. We expect that about 80 per cent of votes will be counted by the WA Electoral Commission and that the Department of Local Government and Regional Development will provide any additional assistance. It is interesting to note that in the 2005 elections, about 50 local governments chose to use the WA Electoral Commission. This covered about 75 per cent of all local government votes, which was about 780 000 out of one million. I am confident that we will be able to introduce these changes without a hitch. I think it will result in much better outcomes for local governments generally.

Hon Bruce Donaldson was very cheeky when he referred to the report. He referred to a question about the weighted inclusive Gregory method. He also referred to a response to a question by Hon Kate Doust. Then he went on like a big hero as though he knew it all and quoted a response by Mr Gately to the committee. Quite clearly the WIG method modifies the counting provisions to remove the possible situation in which a ballot paper may increase in value during the transfer of surplus ballot papers to continue in the count. If the honourable member had read on a little further, he would have found out that the state government had acted to remove that anomaly by introducing -

**Hon Bruce Donaldson:** I did. If you had been listening you would have heard me. If you read *Hansard*, you will find out that I did. You were not listening.

**Hon LJILJANNA RAVLICH:** An amendment was made through the Electoral Legislation Amendment Act 2006. I am told it has also been incorporated into this legislation so that that one-off problem - I understand it was a one-off occurrence - will not occur again. If Hon Bruce Donaldson is asking me to give a 100 per cent ironclad guarantee, I cannot do that. I think even Mr Gately would argue that this was not a widespread problem; it was in fact an aberration or something that was a bit out of the ordinary.

**Hon Bruce Donaldson:** It was not an aberration; it was not tested in the High Court and it should have been.

**Hon LJILJANNA RAVLICH:** It was a one-off occurrence. Quite frankly, we do not want to see it happen again. We have made the necessary changes through the Electoral Legislation Amendment Act 2006 and I am giving the member assurance that this has been considered in the legislation and the drafting of the legislation will ensure that that does not happen. I ask that the house support this clause, the short title.

**Hon MURRAY CRIDDLE:** In my earlier remarks I asked what the new system will cost local governments. The minister has indicated that the Electoral Commission will be involved in something like 80 per cent of the votes. If a new system is to be adopted, people in local government deserve to know whether a cost will be involved and, if so, what the cost will be. I would like an indication of what that may well be.

**Hon LJILJANNA RAVLICH:** We have an undertaking by the WA Electoral Commission that it will not charge any extra for counting the preferential or proportional votes than it did for its service for the first-past-the-post system.

**Hon MURRAY CRIDDLE:** I have spoken to some local government people who have said that the new system will cost money. If the minister is saying it will not cost, for instance, Northampton Shire Council an extra \$20 000, which I am singling out because it is my local council, I will be pretty happy. However, I think we need to know the story.

**Hon LJILJANNA RAVLICH:** I think the member will find that what I have just told the chamber is the evidence that Mr Gately gave to the committee.

**Hon BRUCE DONALDSON:** I must put something on the public record. I can assure the minister that the party room was not discussing proportional representation; it was discussing preferential or first-past-the-post

voting. The proportional representation that was being floated by some when we were in government never got to first base. Between about 1988 and the end of 1992, I attended workshops all over Western Australia with the local government department when it was looking at chapter after chapter of drafts of a new local government act. Some of the work done during that time was incorporated in the Local Government Act that came out of the sausage machine in 1995. A lot of the work and consultation had already been done. We had to change some of it. I think it is important to put on the public record that the argument in the party room was whether we should have preferential voting, leave the system as it was or go to first-past-the-post voting.

The minister also said that first-past-the-post voting did not give any diversity of membership on councils. That is completely incorrect. The minister has only to go to any council in Western Australia to see the people with wide-ranging expertise and interests who sit on councils today. The first-past-the-post system does not discriminate and it certainly does not deny people the opportunity to put up their hands and nominate for council. The minister also said local government was moving closer to other systems that are used to elect both federal members and state members. I never knew local government was the equivalent of the Senate or the Legislative Council of Western Australia. Local government is not an upper house; it is based on the premise that it is a lower house-type arrangement. That is brought about by preferential voting at both federal and state levels. Instead of setting up this hotchpotch of three systems of vote counting - that is what it boils down to - I do not know why the government did not go back to preferential voting. I understand it is very successful for electing the Legislative Assembly in Western Australia and the lower houses of Parliament in other states, and also at a federal level in electing House of Representatives members. Local government is not an upper house-type system of government, nor should it be viewed that way. It was never established to be a review body. It is similar to the way the government is formed in this Parliament, in the lower house. That is where government is formed and that is what local government is all about. If the minister wants a system that is close to the Western Australian system, local government should be allowed to have an upper house - a council to review the work of local government itself. To draw the analogy that we are moving closer to a system of electing members of Parliament like that in Western Australia and for the House of Representatives in the federal Parliament, is a strange way of thinking.

I was shocked by another statement the minister made and it is obvious she has been out of local government for a while as a result of her other ministerial interests. Maybe she has not re-assessed the situation or visited as many councils as she would have liked. The minister has been around the country talking to teachers and she would know full well that there has always been a wide-ranging group of people who put up their hands to serve on councils. That has never been denied under either preferential voting or first-past-the-post. I do not know what all the argument is about. I would have appreciated the minister standing up and saying, "This is Labor policy and this is what we are implementing. End of story." I would not have argued against that. I would have said I do not like it, but it is the minister's right to do that. However, the minister should be honest about it. The minister should not talk about a lot of peripheral things that have no meaning. The minister is not doing herself or her department any favours by not being frank and open and saying what this is really all about.

**The DEPUTY PRESIDENT (Hon Ken Travers):** Before I give the call to Hon Peter Collier, I remind members that the second reading debate has been completed. We give members some latitude in the way they debate clause 1. However, I remind members that we are now considering the clauses. We are not seeking to revisit the second reading debate or the policy of the bill. I am sure Hon Peter Collier will abide by the comments I have just made.

**Hon PETER COLLIER:** I will, Mr Deputy Chair, and I am sure you will pull me into line if I do not. I would like some clarification on a point that was made by Hon Bruce Donaldson about the philosophy of the bill. I recall that we had a similar debate when we were dealing with the oaths and affidavits legislation. If what the minister is putting is a philosophical argument, I do not have a problem with that. However, the minister should be open and transparent about that and be bold enough to say that is why the government is moving down this path. As Hon Bruce Donaldson has said, if that is the case, I could understand that. However, to suggest that the implementation of proportional preferential voting is not designed to politicise local government elections is naive in the extreme. It is also skirting around the facts. This is a definite attempt to politicise local government. There is no doubt about that whatsoever. I will give the minister an example. Recently, I attended a citizenship ceremony at the City of Wanneroo. One of the councillors came up to me at that ceremony and said, "Please do everything you can to ensure that the voting system is not changed, because if the voting system is changed, I am out of here. I am a true independent." That is exactly what happens at the local government level. The people in local government are at the grassroots. They listen to what the community wants. However, the minister is proposing to deny those people a franchise, because by changing the voting system she will ensure that the major political parties are given complete control of local government.

**Hon Paul Llewellyn:** Can you explain how you arrive at that view?

Hon Bruce Donaldson; Deputy Chairman; Hon Paul Llewellyn; Hon Murray Criddle; Hon Ljiljanna Ravlich;  
Deputy President

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**Hon PETER COLLIER:** I think I have done that quite clearly. The people in local government want to represent their constituents. They are at the grassroots. They liaise, communicate and identify with the local community. They do not put up their hands and say they are Liberal or Labor. It would be naive to assume that does not occur and there are not people at the local government level who associate with a particular political party. However, for all intents and purposes, it is local government. That is why we call it local government. We have all been to citizenship ceremonies across the state. We all know what the people in local government are like. We can identify with those people. They are real people. There is no comparison between the Legislative Council and the Senate, or the Legislative Assembly and the House of Representatives, and the local shire. The people in local government are real people who are elected on their merits, not because they belong to a particular political party. I would like the minister to be bold and say what she stands for and why she is moving this piece of legislation.

**Hon LJILJANNA RAVLICH:** We support this legislation. It is our legislation. We believe it will provide a fairer method for electing local government members. We believe also that a system of proportional or preferential representation will more democratically represent the views of the majority of electors. It will certainly be more likely to reflect the diversity of our community. For those reasons, and also because the committee found no evidence to the contrary, we strongly support this legislation.

**Hon MURRAY CRIDDLE:** I want to get back to the question of cost. It is all very well to say that it will not cost any more. However, each individual council will incur a cost. I want the minister to assure me that individual councils will not have greater costs imposed upon them. Some of them may well choose now to go to the Electoral Commission. I know it is a real issue. Therefore, if the minister can say to me that individual councils will not incur any extra cost, that is fine, but if the minister cannot say that, I have a problem.

**The DEPUTY CHAIRMAN (Hon Ken Travers):** The question is that clause 1 -

**Hon MURRAY CRIDDLE:** Mr Deputy Chairman, I have asked a question. I want to make it clear to the committee that I am not happy about not having an answer from the minister with regard to costs. The government needs to understand that it has said there will not be any additional costs. I take that to mean that individual councils will not incur an extra cost. If that is the case, I am happy; if it is not the case, I believe there will be repercussions for local government.

**Clause put and passed.**

**Clauses 2 to 6 put and passed.**

Title put and a division taken with the following result -

Ayes (14)

Hon Matt Benson-Lidholm  
Hon Vincent Catania  
Hon Kim Chance  
Hon Kate Doust

Hon Sue Ellery  
Hon Graham Giffard  
Hon Paul Llewellyn  
Hon Sheila Mills

Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers

Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Noes (13)

Hon Ken Baston  
Hon George Cash  
Hon Peter Collier  
Hon Murray Criddle

Hon Donna Faragher  
Hon Anthony Fels  
Hon Nigel Hallett  
Hon Ray Halligan

Hon Robyn McSweeney  
Hon Norman Moore  
Hon Helen Morton  
Hon Barbara Scott

Hon Bruce Donaldson (*Teller*)

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Pairs

Hon Adele Farina  
Hon Shelley Archer  
Hon Jon Ford

Hon Barry House  
Hon Simon O'Brien  
Hon Margaret Rowe

**Title thus passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Hon Bruce Donaldson; Deputy Chairman; Hon Paul Llewellyn; Hon Murray Criddle; Hon Ljiljanna Ravlich;  
Deputy President

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**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Local Government)** [9.11 pm]: I move -

That the bill be read a third time.

*Point of Order*

**Hon NORMAN MOORE:** I understand that standing order 243 refers to the passage of a bill to the third reading immediately if there has been no opposition. There has been a vast amount of opposition to this legislation. The process in recent times is that, if there is opposition to the third reading being dealt with straight after the committee stage, the third reading is dealt with the following day.

**The DEPUTY PRESIDENT (Hon George Cash):** One of the issues is the fact that the Procedure and Privileges Committee reported recently that it believed there should be a period between the adoption of the report and the third reading. I understood that was agreed to. Unless a special arrangement was made between the parties, that was to be the case.

Third reading made an order of the day for the next day's sitting, on motion by **Hon Ljiljanna Ravlich (Minister for Local Government)**.