

Hon. Geoff Gallop AC

30 May 2021

The Chair, Mr Malcolm McCusker and Panel
Ministerial Expert Committee on Electoral Reform

Dear Mr McCusker and Panel

Please find attached two essays: 'One Vote One Value' and 'A Proposal for Electoral and Parliamentary Reform in Western Australia'. Although written some time ago and published in *A State of Reform: Essays for a better future* (Helm Wood Publishers, 1998), I think they will assist your deliberations. However I note that some of the material in these papers isn't part of your brief.

I refer here to issues related to the Legislative Assembly's electoral system, the relative sizes of the two houses, the powers of the two houses in the event of deadlock, and the potential role of the Council's standing committees in a program of parliamentary reform.

In relation to the second issue – deadlock resolution – the matter was dealt with in the *Royal Commission into Parliamentary Deadlocks* conducted by Professor Eric Edwards in 1984-5. This is an important issue that goes to the heart of what is the expected role to be played by the two houses in a bicameral system. Professor Edwards' recommendations based on the NSW suspensory veto in relation to supply bills and the Commonwealth provision for a double dissolution and a joint sitting for all other bills were pursued but unsuccessfully at the time, there being vigorous opposition from conservatives in the Council. At some point we ought to re-examine this matter, perhaps in the light of what the Panel itself recommends for the way we elect the Council.

My own views on how to tackle the deadlock issue are framed in the same way as my views on the best ways to implement electoral equality for the Legislative Council, namely that we proceed on the basis that our system needs a 'House of Government' and a 'House of Review'. I would strongly urge the Committee to read the section 'The Parliament' in the *Second Report of the Royal Commission* (12 November 1992) where this distinction is made and implications drawn.

Indeed it's important to clarify not only what defines the role of the Legislative Council, but also to do the same with respect to the term 'electoral equality'. I acknowledge that in respect of electoral equality it goes further than just matters of voting but in this case this narrower issue is the

subject of my submission. This takes me to the principle of 'One Vote One Value' and why it best reflects our commitment to liberal fairness and democracy. All other ideas about voting rights and citizenship – and there are plenty – involve some form or another of special pleading. This I have outlined in *One Vote One Value*, my conclusion being that “many of the issues raised by those who oppose one vote one value can be addressed within the context of a system that guarantees an equal distribution of voting rights” (p.11).

I also recommend a system of state-wide Proportional Representation (PR) as the best way forward should we wish to have a Council representative of a wide range of interests adding value to the legislative process. I have made this case in *A Proposal for Electoral and Parliamentary Reform in Western Australia*.

I'm aware that various proposals for a region-based system have been proposed rather than one based on a single state-wide electorate. This means higher quotas and the need to draw boundaries, never without its complications. MLCs would have geographically defined seats just like MLAs, even though they would be larger. Pressures would be there for the Council to replicate the Assembly.

One state-wide electorate, on the other hand, puts the level and range of diversity largely if not completely into the hands of electors. They might stick with parties. They might focus on where they live and candidates for that interest. They might focus on their deeply held views about particular issues or governance in general. That's what proportional representation is all about and should the parties ignore this by selecting a very narrow range of candidates one can expect a reaction from the electorate. New issues and often ignored needs have a much better chance of participation in parliament with state-wide proportional representation.

Ticket Voting

I agree with the position re 'Ticket Voting' outlined in the paper written by Martin Drum, Sarah Murray, John Phillimore and Benjamin Reilly entitled: *The Long, Long Road: Western Australian Electoral Reform*. It follows the route that's been taken up by New South Wales, South Australia and the Senate. This provides for an optional preferential vote 'above the line' between parties or numbering at least a certain number of votes as you determine as a voter 'below the line'.

As Drum et al say: “this is not an argument against minor parties gaining election [but rather putting preferences] back in the hands of voters, so that they can more easily choose where their vote ends up”. This is a good principle on which to proceed.

Staggered Terms

In respect of whether or not Legislative Council elections should be staggered, half being elected every four years, I would reiterate my view outlined in *A Proposal for Electoral and Parliamentary Reform in Western Australia*, namely that: “the Council ought to be designed so that it mirrors the range of opinion in our community and its members ought to feel the pressures that go with the responsibilities they are given by facing the people at elections every four years”. It is PR that gives ‘character’ to the Council and there is no need to add lengthy terms of office – in this case it would be 8 years – for the Legislative Councillor.

Threshold

In their paper on electoral reform Drum et al make the point that without staggered terms the quota for election will be low, around 2.7% if the numbers of elected members remains the same at 36. They point out that should this be seen a problem, a threshold, say 4%, could be introduced. Given my view of the importance of state-wide proportional representation as a good underpinning for a House of Review and backing up that with voter-empowering ballot papers as we see in the Senate, NSW and SA, I wouldn’t recommend a threshold.

Entrenchment

Another matter that deserves your attention is whether or not ‘one vote one value’ for the Council should be entrenched in some way. In respect of the Assembly we see S16M of the *Electoral Act 1907*: “One vote one value principle, absolute majorities for Bills affecting”. In S88 of the *South Australian Constitution Act 1934* any Bill that modifies or repeals the principle of one vote one value for the Assembly can only become law if supported in a referendum.

This raises the question: should the principle of one vote one value – certainly realised in a system of state-wide PR – be entrenched either by way of the requirement for an absolute majority and/or a referendum, should deviation ever be proposed? My answer would be yes. Why? Because it is a principle that is fair to all citizens and such principles ought to occupy a special place in our law. In saying this I note that in respect of a range of issues, some not as important as electoral equality, entrenchment was legislated in 1978!

In summary, I would propose a system of state-wide Proportional Representation, ballot papers offering an ‘above the line’ and ‘below the line’ choice for voters, four year terms, fixed as they are currently, and some form of entrenchment of the principle of ‘one vote one value’. I don’t have a strong view on the number of members that ought to be elected, except that it shouldn’t be lower than now, something I recommended to the *Commission on Government* in 1995. What’s most important is that the spirit, as well as the form of PR, guides your deliberations, it being important to establish electoral equality in way that promotes a better legislature at the same time.

Despite its long history in WA, 'malapportionment' has never been the guarantor of the interests of minorities as its advocates proclaim. Indeed it has encouraged some at the expense of others. What we might call 'a level playing field' for all is best achieved through 'one vote one value'. It's not of course the only issue that matters when it comes to the real world of politics and the way power and influence can be exercised whatever the electoral system, voter registration and political donation laws and practices being examples. Still, even though electoral systems aren't everything, they do send a signal as to the values that ought to underpin our system and practices.

I trust my comments here and in the papers attached will be useful in your deliberations.

Yours sincerely

Emeritus Professor Geoff Gallop AC.

A State OF Reform

Essays for a better future

Geoff Gallop

With a foreword by Tony Blair

Essay One

ONE VOTE ONE VALUE*

Over the century of responsible government in Western Australia a number of devices have been used to promote the interests and influence of some residents at the expense of others. There have been race, gender and property-based restrictions on the right to vote, plural voting has allowed some to vote not only where they lived but also where they owned a sufficient amount of property, electoral boundaries have been gerrymandered to favour a particular party, and there has been systematic malapportionment via zoning.

Gradually, if only slowly, each of these practices has come to an end. Property qualifications for membership of Parliament were abolished in 1893, votes for women came in 1899, women were eligible to sit in Parliament from 1920, property qualifications for voting in Legislative Assembly elections were abolished in 1907 as was plural voting for the Assembly, Aboriginal people gained the right to vote in 1962, property qualifications for Legislative Council elections and plural voting there were abolished in 1963, the voting age was lowered to 18 years in 1970 and, in 1983, enrolment and voting became compulsory for Aboriginals. For the rest of the community enrolment for the Assembly was optional until 1919 and voting optional until 1936. Both enrolment and voting for the Council were optional until 1964.¹

However, the situation with malapportionment has been different. The first Parliaments following the establishment of responsible government in 1890 contained disproportionately more representatives from the North and the Goldfields. Interestingly though there were more enrolments outside the metropolitan area - a situation that remained until 1929. The *Electoral Districts Act* of 1922 formalised the malapportionment by establishing a zonal system.

***This paper is based on a submission to the Constitutional Commission's Advisory Committee on Individual and Democratic Rights (15 December 1986) and two speeches in State Parliament on Acts Amendment (Electoral Reform) Bill, 23 July 1986 and Acts Amendment (Representation) Bill 29 September 1993.**

The state was broken up into a Metropolitan Zone (12 seats), an Agricultural Zone (21 seats), a Mining and Pastoral Zone (9 seats), a Goldfields Central Zone (4 seats), and the North-West with 4 seats defined by statute. Although the terms and conditions of malapportionment have changed since then, the zonal system has been maintained with the state's voting population currently broken up on the basis of Metropolitan and Non-Metropolitan Zones.²

Throughout the course of the twentieth-century there have been numerous re-distributions and, interestingly, the extent of malapportionment has been gradually reducing as the population growth of the metropolitan area came to be reflected in re-distributions (*see Table A page 13* : "Enrolments Per Member of the Legislative Assembly"). However, it was not until 1982 that the number of metropolitan MLAs exceeded the number of non-metropolitan MLAs in a state which at that time had nearly 70 per cent of its electors in the metropolitan area. Even today Western Australia stands out as the only state with deliberate and systematic malapportionment.

Thus while one vote-one value has become a central feature of electoral systems at both the Commonwealth and State levels, the Western Australian Legislative Council has been vigilant in its obstruction of any efforts by reform-minded Governments based on the Legislative Assembly to change the state of affairs. The most recent change - passed through Parliament in 1987 - established a form of proportional representation for the Legislative Council and did remove the statutory seats in the North-West as well as fix the line between the Metropolitan and Non Metropolitan Zones on the basis of the State's Metropolitan Region Scheme, thus removing the potential for politician-inspired gerrymandering. These changes did not, however, end malapportionment. Indeed the legacy we have inherited was neatly summarised by David Black whose words in 1984 are just as relevant today:

Whatever the arguments of principle for and against vote weighting few would gainsay that the existing system no longer reflects any rational pattern of protection for particular interests, but a confused amalgam resulting from party manoeuvres and long standing patterns of representation.³

In this essay I will outline the emergence of the case for one vote one value and attempt to establish the principles that ought to prevail in the design of our state's electoral law. I will also examine and criticise the so-called "theories" or "principles" that have been created to justify malapportionment.

THE EMERGENCE OF ONE VOTE ONE VALUE

The case for one vote one value emerged from within the British radical reform movement in the late eighteenth and early nineteenth centuries and spread to the colonies as the demand for representative government gained

currency. For the radicals all men (and eventually women following the arguments of early feminists like Mary Wollstonecraft) were made "free and equal"; free to choose and equal in basic needs and capacities. Prior to mutual agreement no distinctions between people could legitimately be made. With the agreement to form society distinctions between people could be made but not in respect of the right to vote. John Cartwright put it this way:

All are by nature free; all are by nature equal: freedom implies choice; equality excludes degrees in freedom. All the commons, therefore, have an equal right to vote in the election of those who are to be the guardians of their lives and liberties.⁴

At that time "both the qualification to vote in a parliamentary election and the places which had the right to send members to Westminster depended very largely on custom and precedent".⁵ No attempt was made to link representation to the people generally, let alone to the density of population whose pattern was changing under the influence of the Industrial Revolution. It was in this context of inequality and irrationality that the ideas of the radicals began to be influential.

Change came in the nineteenth century with the Reform Acts of 1832, 1867 and 1884. Each of these reforms moved closer to the benchmark that the radicals had established for electoral reform - "equal electoral districts". Indeed the demand for equal electoral districts was one of the six points of the Charter developed as a distinctive radical political program in the 1830s and 1840s; the others being universal suffrage, the secret ballot, annual elections, the payment of members and the abolition of property qualifications for members.⁶

The Chartists petitioned the House of Commons twice in respect of parliamentary and electoral reform in 1839 and 1842 but on each occasion their arguments were rejected. In 1842 they said this of the British system of representation:

That your petitioners instance, in proof of their assertion, that your honourable House has not been elected by the people; that the population of Great British and Ireland is at the present time about twenty-six millions of persons; and that yet, out of this number, little more than nine hundred thousand have been permitted to vote in the recent election of representatives to make laws to govern the whole

That the borough of Guildford, with a population of 3,920 returns to Parliament as many members as the Tower Hamlets, with a population of 300,000; Evesham, with a population of 3,998, elects as many representatives as Manchester, with a population of 200,000.⁷

In his classic text *Representative and Responsible Government* A.H. Birch outlined the historical significance of this type of thinking. Before, he said, Parliament was seen to represent the various communities and interests that made up the nation and the extent of the franchise was not thought to be important as citizens were "virtually" rather than "directly" represented. After, a completely new view of representation emerged within which "the individual citizen" was the unit to be represented "rather than the community or interest, and it regarded the opinions of the citizen as being of equal importance to, or greater importance than, his economic interests or status".⁸ Of most intellectual interest became the issue of whether or not such a view was best accommodated with a system of single member constituencies or the newly developed idea of proportional representation.⁹

The simplicity and moral strength of the argument that *all should vote* and *all should vote equally* has provided a continuing source of attraction not only to the radicals and activists of the nineteenth-century but also to intellectuals, radical politicians, and judges in the twentieth-century for whom electoral injustice became the subject of academic, political or judicial inquiry.

ARGUING FOR ONE VOTE ONE VALUE

Democracy as a system of government embodies two ideas - 'self-government' and 'political equality'. The idea of self-government involves the notion that the groupings within which human beings find themselves organized, be they local communities, regions, or nations, have a right to determine their own affairs by way of law or custom. To this we now add the modern notion that all within such communities ought to enjoy equal rights. T.H. Marshall saw that equality as part of a wider notion of equal citizenship:

Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed.¹⁰

Marshall distinguished between the three categories of equal citizenship - civil rights, political rights and social rights. Political equality establishes that all persons have equal status in the community no matter who they are, where they live or from whence they come. We acknowledge this principle by giving all adult persons (subject to the usual age or residence requirements and provisions for disqualification in certain cases - issues, incidentally, which raise important questions that are not easily answered) the right to vote.

All agree that one-person-one-vote is a minimum condition for democracy. It follows by the force of argument and commonsense that all votes should have the same value.

Why? Because the argument which establishes voting rights for everyone - that we are all in the most important sense "equal" - also establishes the

right of all to have one vote of the same value. It does not make sense either logically or ethically to establish the right of a person to vote and then diminish the value of that vote in relation to the votes cast by others. Indeed, in an extreme case this would undermine the very basis for community life itself by creating socially destructive inequalities in the distribution of political power. That, of course, is precisely what malapportionment does.

It is interesting to observe that at each major stage in the development of democracy the traditional bases upon which political discrimination were built were questioned and then dismantled - if only by way of a stage by stage process. Race, gender, property, religion, education, occupation and finally place of residence have all been, from time to time and place to place, the basis for political discrimination. The "logic of equality" has proved to be a powerful force for persuasion and change.

CAN VOTE WEIGHTING BE JUSTIFIED?

In subjecting the argument for malapportionment to critical examination we can look at the 'principles' that have been developed to defend malapportionment and subject them to analysis and questioning. How do they live up - as arguments - when placed alongside the case for one vote one value? Can a consistent and easily applicable case be developed which can act as a reliable guide to be used by Parliaments and Electoral Commissioners?

Despite powerful democratic arguments in favour of one vote one value there have been many who have produced "theories" or "principles" to support malapportionment. The Federal Parliament's Joint Standing Committee on Electoral Matters described four such "principles" in their 1988 Report *One Vote, One Value*:

1. as the rural areas produce the real wealth of the State or the Nation they should have more say in Government;
2. the problems of communication in the sparsely settled areas demand smaller enrolment electorates;
3. a numerical domination by the metropolis would overwhelm rural interests; and
4. representation of interests rather than people is essential.

They are neither adequate as theories or defensible as principles. To illustrate this let us take each principle in turn and subject it to questioning.

The first principle involves a form of economic determinism in that it asserts that our political system ought to rest upon our economic system. In Western Australia this involves the proposition that our mining and agricultural areas ought to have a greater representation because they are vital to the state's economic fortunes. The implication is also there that equal electoral districts will lead to an undermining of the state's mining and agricultural base.

The argument is self-serving and contradictory. If our economy is so structured would it not appeal to *all* our citizens? More importantly, though, we might ask: is all our wealth based on the non-metropolitan parts of the state, and even if it is, will or ought it always be that way? History is littered with examples of ruling elites who refused to recognize the changing tides of economic and technological history.

The second principle rests upon an assumption about the meaning and practice of "representation". Are communication problems between a Member of Parliament and his or her electors simply a function of distance or do other factors such as time available and number of electors play a role as well? More importantly, we might ask, just how significant are the electorate functions of an MP? Important yes, but more than other functions such as legislating, an activity which by its very nature requires authority? It is also possible today to compensate for many of the representational disadvantages experienced by remote area MPs by extra allowances and the application of modern technology.¹¹

The third principle is similar to that espoused by the nineteenth-century liberals when they referred to "the tyranny of the majority". It is true, of course, that minorities can be ignored but the fact that they are will also be a reflection of the *particular* balance of power at any time rather than simply a reflection of the *overall* balance of representation. For example, the closeness of elections and the location of marginal seats is a significant test of the political significance of particular electorates and their members. Particular regions of the State may have less seats in Parliament but more strategic power if those seats hold the balance of power.

Secondly, there is no account of the proper role that can be played by local or regional government in ensuring that geographically based interests are protected and promoted. It is perhaps a sad commentary on the status and power of local government in Western Australia that it is not seen as a real protector of non-metropolitan citizens throughout the state.

Thirdly, it would be my view that a proper system of proportional representation for the state's Upper House could ensure that minority interests play a role in Parliament-provided they earn a quota. If the state was considered as one electorate for such purposes the quota could be low enough to guarantee that a range of minority interests would have access to seats in Parliament. In this case all minority interests would compete on an equal basis for a share of parliamentary power.

It is certainly a Labor view that non-metropolitan residents ought to be compensated for the disadvantages that result from distance and isolation, just as other citizens are compensated for the disadvantages they experience. This is a question of justice, a question of equal opportunity. We do not, however,

compensate the poor with extra voting rights. Nor ought we in respect of non-metropolitan citizens. Indeed the historical record indicates that the leading proponents of malapportionment have been more concerned with protecting their narrow political interests than with promoting the wider welfare and interests of non-metropolitan citizens.

The fourth and final principle, is in some senses, the underpinning of all malapportionment. However, it was this very principle which was challenged by the radical movement of the eighteenth and nineteenth centuries when they successfully asserted that it is "people" who make up a community and form the basis of its political community. If interests rather than people are to be the basis of politics, which interests are to be chosen - regional? industrial? occupational? Do farms, factories or people vote? Once it was accepted that the answer to the last question was "the people" the demand for "equal electoral districts" followed not long after - and has come to be accepted as a precondition for representative democracy.¹²

The inability of defenders of malapportionment to develop a coherent account of how equal representation is to be defined once equality of numbers is forsaken is indicative of the persistence of pre-democratic ideas in the democratic age. After all the first critics of democracy did say that "mere numbers" were a dangerous basis on which to build a civilised society.

Another major problem exists for defenders of malapportionment. How do we apply it? By what principles are we to differentiate? Is the ratio to be 4:1, 3:1 or, as it is in Western Australia's Legislative Assembly today 2:1? Should it be more in some cases and less in others? Just what degree of malapportionment will meet the test of the "principles" outlined above? The fact is there is no "in-principle" answers to these questions. As R.J. Quinn, MLA said in his dissenting report to the Queensland Parliament's Committee for Electoral and Administrative Review:

Once the principle of weightage is accepted to any extent, the argument concerning fairness of electoral representation becomes an argument of degree and circumstance, not one of principle. With acceptance of weightage to any degree, outside the variation permissible in all electorates, principle is abandoned and a precedent is set which can be rationalised, used and abused, according to political convenience.¹³

A study of Western Australian history confirms the validity of this view as politics and self-interest rather than principle have dominated re-distributions and re-arrangements of the electoral system.

Finally we can observe that each of the arguments in favour of malapportionment ignore the fundamental issue of democratic legitimacy and shift the emphasis to other issues - the work of an MP, the economy and the

interests of a particular minority. Each of these issues is important but just how important when lined up against the claims of equality is a question conveniently ignored by the protagonists of malapportionment.

As T.A.L. Davy put it in the Western Australian Legislative Assembly in 1928 when referring to the tendency to over-emphasize the importance of social work being undertaken by MPs:

Each member must be the judge of just how far his job extends. But we can draw definite lines between the two jobs, namely, Parliamentary representation, and the other legitimate job of making representations to departments and that type of work that we are called upon to do. But, after all, this is a subsidiary matter, and to make a difference between the voting capacity of citizens in various parts of the State from the point of view of the convenience of the man who represents them, seems to me to be quite wrong.¹⁴

Davy went on to note that "the interrelated nature of the economy" meant that all persons who engaged in legitimate activities played their role and had a right to be consulted about politics. He had a clear perception of the essential role of elections - to give expression to the will of the people.

As a principle, then, malapportionment fails in two important respects : firstly, the arguments are at best contingent and, secondly, there is no easily discernible and consistent way that it can be applied. One vote one value, on the other hand, is grounded in the principle of equality and can be applied to the range of electoral systems that have been devised.

THE POLITICAL REALITY OF MALAPPORTIONMENT

The truth is that systematic malapportionment emerged early in our history and those who have gained from its preservation - non metropolitan MPs and particularly Nationals - have been vigilant in its defence. Arguments for its preservation are best labelled "rationalisations", rather than "theories" or "principles". The real story is a story of power and advantage in which conservative interests have enjoyed a special place in the legislature, particularly the Legislative Council. Let me examine this issue in relation to both the Executive and Legislative arms of government.

On most occasions the political party - or combination of parties - with the majority support of the community has been elected to Government on the basis of a majority in the Legislative Assembly. The re-election of the Dowding Labor Government in 1989 was certainly on the basis of a smaller share of the Two-Party Preferred vote than the Coalition and there is some

doubt as to whether John Tonkin and the Labor Party would have lost power in 1974 if the electoral system had been fairer. However, these are always difficult arguments to run because in a system of single-number constituencies a consistency of votes and seats cannot be guaranteed. To be elected Parties need to win a majority of votes in a majority of seats. The ability to win marginal seats becomes crucial.

However, in respect of the Legislative Council there is no disputing the fact of bias and the way that has impacted upon issues like industrial relations, Aboriginal land rights, social policy and government involvement in the economy. Whenever Labor is in power the Legislative Council has been a "House of Obstruction".¹⁵ Among important Labor legislation rejected in the ten years of government from 1983 was that dealing with parliamentary and electoral reform, the decriminalization of homosexual activity between consenting adults (eventually passed but with important qualifications), industrial relations, Aboriginal land rights, and daylight saving, (see Table B page 14 : "Legislative Council - Rejection of Bills 1953-1993"). Much legislation has been amended in significant ways and major reforms held up for many years despite a clear mandate (for example the requirement for MPs to declare their financial interests). The achievement of proportional representation has modified the system to some extent - but its impact is highly diluted by the malapportionment within which it operates. As the Royal Commission observed when looking at the range of interests represented by the Legislative Council:

... we are suggesting that regional interests represent only one variety of the community interests which should be able to secure representation in the Council. We acknowledge that proportional representation now provides one element in the electoral system for the Legislative Council.

We consider, however, that the effect on it of the present regional division of the state strongly inhibits the possibility of significant minority interests obtaining representation in the House, representation which we believe should be promoted on democratic grounds.¹⁶

Both the limited nature of the interests it has represented and the powerful resistance to change that it has displayed has denied Western Australians the full potential that can be derived from a healthy bicameralism.

The other aspect of malapportionment is the impact it has had on the "culture" of politics generally and within the parties themselves. As noted earlier the number of non-metropolitan MLAs exceeded the number of metropolitan MLAs until 1982. Even today the number of metropolitan MLCs is only the same as the number of non-metropolitan MLCs despite the greater

number of voters who live in the metropolitan area. The impact this has had and continues to have on the process and outcomes of politics is difficult to determine in that its inter-relationship with political party issues is difficult to disentangle and analyse. It is interesting to reflect, however, on the way Western Australian politics may have developed in more recent times if the Legislative Council in particular had been more diverse and complex in its political make-up.¹⁷

Imagine, for example, if the balance of power that exists in the Federal Senate applied in the Legislative Council (for the contrast of this scenario with current realities see *Table C page 15* "Senate Elections in WA 1987, 1990, 1993 and 1996" and *Table D page 16* "Legislative Council Elections 1989 and 1993"). Put simply the National Party would lose out and Parties like the Greens and Democrats would gain - if recent voting records were maintained. Smaller quotas than currently apply for a half Senate election - which would apply if the state was used as one electorate - would almost certainly mean that any Government would face a potentially hostile majority of votes in the Legislative Council.

In such a situation one might ask: Would the Court Government's controversial legislation on industrial relations and workers compensation have passed through Parliament unscathed? Would legislation splitting up the City of Perth without referendum have passed? Other examples from our state's history could be added to the list. The political reality of malapportionment has meant that only those initiatives coming from the Labor side of politics have been subject to "review".

What can be said at a more general level is that the failure to establish our political system on the basis of principle has created a particularly cynical approach of politics and political conflict. The State's constitution has not been a document to be revered but a set of words to be manipulated and if necessary changed to meet the political requirements of the particular times. This theme was picked up by the Royal Commissioners who saw that the legitimacy gained from proper authority was essential to a properly functioning democracy. "If the Parliament is to be the public's guardian against government abuses", they said, "it must be so constituted that the public will place its trust in it".¹⁸

THE REAL ISSUES

Unfortunately it has only been in recent years that the debate over Western Australia's electoral system has recognized the twin dimensions to the issue: the first dealing with the *principle of voting rights* and the second dealing with the *particular form* our parliamentary and electoral system ought to take. It is as if debate over the question of form and practice has taken place in a moral and philosophical vacuum, with interest and convenience the only criteria for consideration.

The reality is that many of the issues raised by those who oppose one vote - one value can be addressed within the context of a system that guarantees an equal distribution of voting rights. Problems relating to minority interests, representation and checks and balances generally can be dealt with when considering the specific form the political system is to take. For example, the development of a version of bicameralism in which single-member constituencies elect a "House of Government" and a "House of Review" is elected by proportional representation is clearly one way to confront the different objectives and provide a practical, yet principled solution.¹⁹ Whether or not the challenge posed by such thinking will be taken up by the current Parliament or forced upon it by the Judiciary remains an open question.

Notes:

- ¹ See Western Australian Electoral Commission, *Electoral History in Outline* (Perth, 1990), pp.2-6.
- ² For a sound history of electoral law in Western Australia up to and including the 1970s see Jeremy Buxton, "Electoral Politics Past and Present in Western Australia", in R. Pervan and C. Sharman (eds) *Essays on Western Australian Politics* (UWA Press, 1979).
- ³ David Black, "Electoral Reform since 1829", in *Seminar on Progress Towards Parliamentary Democracy in Western Australia, being a collection of papers written for a seminar held in Parliament Week, 22 September 1984*, p.40.
- ⁴ John Cartwright, *Take Your Choice* (London, 1778), pp.21-22. On the ideas of the late eighteenth century radicals see Geoffrey Gallop, *Politics, Property and Progress: British Radical Thought, 1760-1815* (Oxford University, D.Phil., 1983).
- ⁵ E.J. Evans, *The Great Reform Act of 1832* (London, 1983), p.2.
- ⁶ See Edward Royle and James Walvin, *English Radicals and Reformers 1760- 1848* (Brighton, 1982), esp.ch.10.
- ⁷ The 1842 Petition quoted in Patricia Hollis (ed.) *Class and Conflict in Nineteenth- Century England 1815 - 1850* (London, 1973), p.218.
- ⁸ A.H. Birch, *Representative and Responsible Government: An Essay on the British Constitution* (London, 1964), p.24.
- ⁹ See Birch, ch.4: "Parliamentary Reform and Victorian Liberalism".
- ¹⁰ T.H. Marshall, "Citizenship and Social Class" in *Sociology at the Crossroads and other essays* (London, 1963), p.87.
- ¹¹ See Australian Labor Party (Western Australia), *State Platform 1991*, p.66.

- ¹² See, for example R.G. Mulgan "Representative Government" in Vernon Bogdanor (ed.) *Blackwell Encyclopaedia of Political Institutions* (1987), pp.532- 534.
- ¹³ *Dissenting Report on Queensland Legislative Assembly Electoral System*, 1991, p.5.
- ¹⁴ Quoted in *Western Australian Parliamentary Debates* 1 November 1928, p.1594.
- ¹⁵ The most recent account of the role of the Legislative Council in Western Australian political history is to be found in Western Australia, *Royal Commission into Parliamentary Deadlocks*, 1984-85, Vol.2: Background Papers esp. pp.1-86.
- ¹⁶ Western Australia, *Royal Commission into Commercial Activities of Government and other matters* (Part 2, 1991), para. 5.3.10.
- ¹⁷ See Geoff Gallop, "State Rights - for What?" Paper given to Western Australian Constitutional Committee Seminar, Edith Cowan University, 12 March 1994 esp.7-9.
- ¹⁸ *Royal Commission into Commercial Activities*, para.5.1.2.
- ¹⁹ For my own version of the answer to these questions see "A Proposal for Electoral and Parliamentary Reform in Western Australia", submission to the Commission on Government, Perth, Western Australia, 17 May 1995.

TABLE A
ENROLMENTS PER MEMBER IN
LEGISLATIVE ASSEMBLY

Zone	Year of redistribution	No. of Members	Enrolments	Average enrolment per Member	Ratios of average enrolments per Member ☆
Metropolitan	1904	12	58,876	4,906	3.63
Rural		34	99,549	2,928	2.17
North West		4	5,401	1,350	1
Metropolitan	1911	12	53,700	4,475	2.8
Rural		34	91,736	2,698	1.74
North West		4	6,219	1,555	1
Metropolitan	1929	17	111,027*	6,531	8.01
Agricultural		21	85,693	4,081	5.01
Goldfields Mining & Past		8	15,900	1,987	2.44
North West		4	3,259	815	1
Metropolitan	1948	20	171,414	8,571	7.94
Agric. Mining & Past		27	120,750	4,472	4.14
North West		3	3,240	1,080	1
Metropolitan	1955	21	198,187	9,437	7.11
Agric. Mining & Past		26	130,374	5,014	3.77
North West		3	3,980	1,327	1
Metropolitan	1961	22	231,937	10,543	6.97
Agric. Mining & Past		25	134,110	5,364	3.55
North West		3	4,539	1,513	1
Metropolitan	1966	23	265,026	11,523	5.26
Agric. Mining & Past		24	139,723	5,822	2.66
NW Murchison Eyre		4	8,755	2,189	1
Metropolitan	1972	23	356,429	15,497	4.21
Agric. Mining & Past		24	179,759	7,490	2.04
NW Murchison Eyre		4	14,715	3,679	1
Metropolitan	1976	27	420,925	15,590	2.94
Agric. Mining & Past		24	190,808	7,950	1.50
NW Murchison Eyre		4	21,220	5,305	1
Metropolitan	1982	30	486,725	16,224	2.44
Agric. Mining & Past		23	197,428	8,584	1.29
NW Murchison Eyre		4	26,561	6,640	1
Metropolitan	1988	34	669,293	19,685	1.88
Non Metropolitan		23	240,081	10,438	1

☆ Ratios of average enrolment per Member in each zone relative to the zone with the lowest enrolment per Member..

SOURCE

W.A Electoral Commission, *Electoral History in Outline*, 1990, Table 2

TABLE B
LEGISLATIVE COUNCIL
REJECTION OF BILLS 1953 - 1993

Government	Period in Office	Bills Rejected in Legislative Council
Hawke (ALP)	6 years	20
Brand (Coalition)	12 years	1
Tonkin (ALP)	3 years	21
Court/O'Connor (Coalition)	9 years	Nil
Burke/Dowding/Lawrence (ALP)	10 years	30

SOURCE

A.L.P. Submission, *Royal Commission into Parliamentary Deadlocks*, Vol. 3, Part 1, p.305. The Parliament of Western Australia, *Digests 11-20* (1983-84 to 1992).

TABLE C
SENATE ELECTIONS IN WA - 1987, 1990, 1993, 1996

	1987*		1990		1993		1996	
	% Vote	Senators elected	% Vote	Senators elected	% Vote	Senators elected	% Vote	Senators elected
Australian Labor Party	42.8	5	33.5	2	38.3	2	34.2	2
Liberal Party	39.1	5	43.3	3	48.4	3	45.4	3
National Party	5.5	-	2.9	-	1.7	-	2.1	-
Democrats	5.7	1	9.4	-	4.1	-	9.3	1
Vallentine Peace Group / Greens	4.8	1	8.4	1	5.5	1	5.7	-
Others	1.9	-	2.4	-	2.0	-	3.4	-

* Double Dissolution

TABLE D
LEGISLATIVE COUNCIL ELECTIONS
IN WA - 1989, 1993

	1989		1993	
	Percentage Vote	MLC's Elected	Percentage Vote	MLC's Elected
Australian Labor Party	41.3	16	36.8	14
Liberal Party	41.05	15	45.6	15
National Party	5.00	3	3.8	3
Democrats	3.3	-	3.0	-
Greens	1.8	-	5.2	1
Others	7.4	-	5.4	1

A Proposal for Electoral and Parliamentary Reform in Western Australia*

In order to examine appropriate electoral systems for Western Australia's bicameral Parliament it is important that we start with first principles: What is the role of Parliament in our political system? How are the two Houses of Parliament each to contribute to the successful fulfilment of that role? Only when these questions are answered can we sensibly address the issue of electoral systems.

Western Australia's political institutions and practices work within a complex and peculiarly Australian intellectual framework which is an amalgam of three influences :

- (i) the Westminster system of responsible government,
- (ii) the American system of federalism and judicial review, and
- (iii) the nineteenth-century Liberal and twentieth century European tradition of proportional representation.

The implications of these influences for the way we ought to design our institutions and assess our practices are not mutually consistent. Indeed it has been the creative tension caused by the contradictory influences that has provided the basis for a good deal of political argument and conflict in Australian political history.¹ Unfortunately, however, political development in Western Australia has been governed less by the conscious application of these principles than it has by blatant political self-interest.

In its Second Report the *Royal Commission into Commercial Activities of Government and other matters* proposed that we work through these contradictions by establishing clear roles for each House of Parliament; a "House of Government" role for the Legislative Assembly and a "House of

*Submission to the Commission on Government, Perth, Western Australia, 17 May 1995.

Review" role for the Legislative Council.² This is the logical and necessary starting-point for any discussion of Parliament. It makes it possible for the State to base its political system on principle rather than self-interest (and the accommodations therein) for the first time.

Acceptance of this general proposition can be interpreted in various ways but I take it to imply

- (i) that the Legislative Council ought not to mirror the Legislative Assembly in its basis or functioning,
- (ii) that the Government is clearly responsible to the Legislative Assembly, and
- (iii) that *all* Ministers of State be located in the Legislative Assembly.

In respect of the legislative framework that ought to govern relations between the two houses I accept the conclusions of Royal Commissioner Professor Eric Edwards in his final report delivered to the State Government in 1985. He proposed that "any Bill appropriating revenue or money for the ordinary services of the Government" could only be delayed by the Legislative Council for one month, after which it would become law. Support for this proposition came from a submission by Associate Professor David Black:

If the possession of a majority in the Lower House is the sine qua non of forming the executive government the loss of that majority should I consider be the only means by which executive power should be forfeited.

For other bills he proposed a double dissolution procedure with provision, where necessary, for a joint sitting of both houses along the lines of Section 57 of the Commonwealth Constitution. In general support for this procedure for dealing with deadlocks over non-supply bills Professor Edwards wrote :

A government with repeated and sufficient support from the people, even though the people notwithstanding that support may wish to and in fact do maintain a conservative majority in the upper house, should in due course be able to implement its policies.³

In his view a method based on Section 57 provided the "best balance" for the various interests involved in that there was ample time for second thoughts and for the electorate to be informed, the question would be part of an election process, and both Houses would be involved, even though the joint sitting would see more Assembly members voting.

The voting systems themselves ought to be based on the principle of one vote one value applied throughout the State by an independent Boundaries Commission. Indeed acceptance of the principle that all adult men and women ought to enjoy the right to vote implies equality in the distribution of that

right. Once we accept that people have a right to vote we are affirming their right to participate in public affairs. It makes no sense - logically or ethically - to give them that status and then say that the voting power of some will be greater than others.⁴ This has been understood and advocated by parliamentary reformers from as far back as the early nineteenth century.

There is also another important argument in favour of one vote one value. Once we accept that voting rights can vary it becomes impossible to anchor the electoral system on anything approaching a principled basis. In fact political and party interest replace principle. This has been well illustrated in Western Australian political history where malapportionment has been established and protected by those whose narrow interests it represents and where zonal and other electoral boundaries have been manipulated to meet narrow and short-term political interests. Former Liberal Speaker and then Independent Member Ian Thompson described the process as "jiggery-pokery".⁵ This is hardly a basis upon which democratic legitimacy and parliamentary reform can be built.

In respect of the principle itself two issues deserve serious examination

- (i) What variation from the electoral quota ought to be allowed?
- (ii) What factors can Electoral Commissioners consider in determining boundaries and any variation from the electoral quota, up or down?

There now seems to be wide acceptance throughout Australia that a 10 per cent variation from the quota provides a reasonable basis for electoral law. I can see no reason why that ought not to guide our law as well.

However, some attention does need to be given to the *Queensland Electoral and Administrative Review Commission* recommendation ultimately accepted by the Government there that particular allowance be made for proposed electoral districts over 100,000 square kilometres in area.

Their recommendation reads :

The Commission also recommends that, where a proposed electoral district is 100,000 square kilometres or more in area, Redistribution Commissions (including EARC in the first instance) may add a number that expresses the value of 2% in the area in square kilometres of such a proposed electoral district to the number of electors in that proposed electoral district, in order to achieve an enrolment within the 10% allowable tolerance of the quota.⁶

It is highly unlikely that the inclusion of such a clause in our own electoral laws would have any impact on the ability of particular MPs, that is those serving remote areas, to represent their electorates properly and effectively. The very size of our state and the concentration of our population in Perth

makes it inevitable that there will be geographically large electorates. Indeed that is even the case today with our zonal system determining non-metropolitan seats with roughly half the number of electors as metropolitan seats. Currently four Legislative Assembly Electoral Districts have areas greater than 100,000 kilometres - Eyre, Northern Rivers, Pilbara and Kimberley.

Interestingly the *Queensland Parliamentary Committee for Electoral and Administrative Review* concluded that there was no logical reason for either the 2% weightage value or the 100,000 square kilometre threshold and went on to record its concerns that deviations from numerical equality like this leave the door open to future gerrymandering of the electoral system.⁷

I would also propose that the principle of one vote one value be entrenched in our State Constitutions as it has been in South Australia. The major part of Section 77 of South Australia's *Constitution Act 1934* reads :

- (1) Whenever an electoral redistribution is made, the redistribution shall be made upon the principle that the number of electors comprised in each electoral district must not (as at the relevant date) vary from the electoral quota by more than the permissible tolerance.
- (2) In this section -

"electoral quota" means the nearest integral number obtained by dividing the total number of electors for the House of Assembly (as at the relevant date) by the number of electoral districts into which the State is to be divided as at the first polling day for which the order is to be effective;

"permissible tolerance" means a tolerance of ten per centum ..."

Any Bill that modifies or repeals this principle could only become law after a referendum (Section 88 of the *Constitution Act 1934*).

There has been some discussion of the matters that Electoral Commissioners take into account when drawing the boundaries and considering deviations from the quota. The existing legislation which lists community of interest, means of communication and distance from the capital, physical features, existing boundaries, existing local government boundaries and the trend of demographic change is basically in line with other jurisdictions and does not require change.⁸

One proposal that has been the subject of some debate is that from South Australia where the re-distribution criteria include "fairness" as well as "equality". The former is defined as a guarantee that any party winning more than 50 per cent of the two-party preferred vote ought to win government. According to Dr. Dean Jaensch the *Electoral Boundaries Commission* made a valiant but ultimately unsuccessful attempt to combine "one vote one value" and "fairness".⁹ The fact of the matter is that any election based on single

member constituencies cannot guarantee a perfect fit between votes and seats. As I will indicate later it is better to seek the balance between the different objectives through the provision of different electoral systems for each of the Houses of Parliament - single member, equally sized constituencies for the Assembly and the statewide proportional representation for the Council.

The system of electing the Legislative Assembly from single member constituencies through preferential and compulsory voting is well established and understood and should remain. It means that the battle for government is personalised, particularised and localised throughout the state in individual electorates. It also preserves a meaningful basis for responsibility and representation for both the Members of Parliament themselves and their constituents.

This leaves the question : How many electorates ought there to be? Currently there are 57 which would mean a quota of 18,140 (using State enrolments figures as at 7 February). A variation of plus or minus 10 per cent would mean seats could contain as many as 19,954 and as few as 16,326 electors. Given my belief that the Cabinet ought only to be drawn from the Assembly I would recommend an increase in the numbers to be elected from 57 to 61 (and a corresponding reduction in the Council from 34 to 30). This would mean a quota of 16,951 and a variation from 18,646 to 15,256.

This would put Western Australian electorates on the low side in Australian terms (*See Table One Page 86 : State and Territory Enrolment and Representation*) but not seriously so as in the case in the Northern Territory where a quota of 3,876 makes it perhaps too difficult to pressurise and shift sitting members. I would urge the *Commission on Government* to consider three factors in favour of this increase :

- (i) it is important to have an Assembly sufficiently large to provide a pool of talent from which to draw a Cabinet,
- (ii) the quota is not significantly different from that for 57 seats particularly when we consider that Western Australia's electorate has nearly doubled in twenty one years from 550,903 in 1972 to 1,046,006 in 1993; with every expectation being that the next twenty years will bring similar increases, and
- (iii) a similar jurisdiction like Canada has a range of constituency sizes throughout its Provinces. In Saskatchewan there are just in excess of 10,000 voters per MLA, in Manitoba 12,500, in Alberta 18,685, in British Columbia 25,500 and in Ontario just under 50,000. Like Western Australia most Canadian Provinces have one or perhaps two large urban centres and a vast hinterland.¹⁰

It makes no sense to elect the Legislative Council on the same basis as the Assembly. I would recommend preservation of the system of proportional

representation and a four year fixed term. It should become clear to electors that they have a choice when voting

- for or against Governments and their parliamentary and ministerial teams (Assembly), and
- for legislators separate from the executive (Council).

However, there are three aspects of the current Legislative Council that need radical overhaul :

- ministerialism,
- malapportionment, and
- regionalism.

The current system which has Ministers in the Council (currently five) and which sees the Council operate largely as a mirror of the Assembly (for example in Question Time) does little to justify bicameralism and the checks and balances it is supposed to create. The Council ought to become a proper House of Review based on significant Standing Committees each with wide ranging legislative and scrutiny functions and whose Chairpersons would have status and conditions similar to those enjoyed by Ministers. I would suggest the following Standing Committees :

- Legal and Constitutional Affairs
- Finance and Public Administration
- Economic Development
- Health, Education and Community Development

It would be important to keep the number of Standing Committees to a minimum to ensure that their members could develop the expertise required to make a constructive contribution to legislative and executive scrutiny. It would be important to ensure that adequate resources and support staff are allocated to the Committees to perform their functions.¹¹

More to the point, though, is the blatant malapportionment that has always meant a conservative majority in the Legislative Council. From being a "house of obstruction" when Labor is in power it becomes a "house of convenience" when the Coalition rules. Currently it "takes the votes of 2.78 metropolitan electors to equal the vote of 1 non-metropolitan elector in the Legislative Council."¹² The negative impact this House has had on so many aspects of the state's development cannot be under-estimated and I will not repeat the arguments here that I developed in my paper at a Seminar organized by the *Western Australian Constitutional Committee* at Edith Cowan University in 1994.¹³

Like the Western Australian Royal Commissioners I do not believe that the current regional system allows the principle of proportional representation to work as effectively as it might and ought in allowing minority interests to be involved in the legislature.¹⁴ This is due in part to malapportionment but also to the effect that regions have on the size of the quota and therefore the possibility of minority representation. The culture of regional representation also leads the Member of the Legislative Council (MLC) to an electorate focus in relation to his or her work and makes it hard to develop the Council as an institution. I would recommend, therefore, a list system of statewide proportional representation returning 30 Members of the Legislative Council. That this would give minority interests a chance to be represented can be seen from the quota calculated by dividing the total number of votes by the number of candidates to be elected (30) plus one. Using the 7 February enrolments this would mean a quota of 34,470.

A variation on this theme that deserves serious consideration is that of staggered elections, as is the case in the Senate (except for double dissolution elections), South Australia (again, except for double dissolutions), and New South Wales. For example it might be suggested that fifteen MLC's be elected every 4 years with each member having an eight year term so as "to restrain the rate of change and to act as a brake on governments based on transitory majorities in the lower house".¹⁵ The quota would still be low (68,939) and MLC's would be in a position to develop their expertise and power in relation to the executive arm of government. Practical considerations related to the size of the ballot paper may also be taken into account.

Ultimately, however, a most powerful argument is that of accountability: Is it desirable to elect MLC's for a *fixed eight year term*, which of course would be the consequence of using staggered terms in the context of four-year Parliaments? I would answer that question in the negative, particularly given my acceptance of the case for a fixed four year term for the Legislative Council. The Council ought to be designed so that it mirrors the range of opinion in our community and its members ought to feel the pressures that go with the responsibilities they are given by facing the people at elections every four years. It is the existence of proportional representation which gives the Legislative Council its special and different characteristics from the Assembly; there is no need to add to that longer terms for its members.

When considered in their totality the proposals contained in this submission represent a significant change in the way Western Australian politics has been understood and practised. Both the bias created by malapportionment and zoning and the emphasis on the executive aspects of government need to be replaced by an electoral system based on principle and a parliamentary system based on genuine and creative bicameralism. There will be more political argument, not less; there will be more tension within

the parliamentary process, not less; and there will be opportunities for smaller parties and interests to play a role within the Parliament. All of this represents a not insignificant challenge to those of us committed to party politics and the reforms we seek to achieve through the pursuit of governmental and parliamentary power. Ultimately, however, it is the health of the political system itself that ought to concern us and, in respect of that, the *Royal Commission into Commercial Activities of Government* made it clear that reforms along the lines I have suggested today need to be incorporated into our body politic - in "spirit" as well as "form".

Although the system I have proposed marks a significant departure from the point of view of the system itself and the major players within it, particularly in the Legislative Council, it possesses an important advantage when considered from the point of view of the voters themselves. For the individual voter no change is involved in the voting procedures to be followed either for the Assembly or the Council. This brings stability and consistency for voters not only in relation to state elections, but also in relation to federal elections where a similar system has become well established. Such stability and consistency allows for public education and minimises the potentiality for informality.

Hopefully, I have presented an argument not just for electoral reform but also for the framework within which electoral reform is to be understood and applied. Indeed each of my proposals with the exception of one vote one value is part of a "package"; take out any of the elements and the others lose some of their rationale and effectiveness. I would urge the Commission to examine the matter of electoral systems in relation to rather than in isolation from this broader framework provided by eighteenth and nineteenth century political science and incorporated in the American, British and Australian political traditions.

Notes

- ¹ For an original exposition of this approach to Australian politics see Elaine Thompson, "The 'Washminster' Mutation", in Patrick Weller and Dean Jaensch (eds), *Responsible Government in Australia* (Drummond Publishing, 1980), pp.32-40.
- ² Western Australia, *Royal Commission into Commercial Activities of Government and other matters* (Part 2, 1992), chapter 5: "The Parliament".
- ³ Western Australia, *Royal Commission into Parliamentary Deadlocks Volume 1 - The Report* (Perth, 1984-5), p.55 (Black) and p.75 (Edwards).
- ⁴ I have outlined the case more fully in "One Person, One Vote, One Value", *Submission to the Constitutional Commission, Advisory Committee on Individual and Democratic Rights under the Constitution*, Perth, 15 December 1986.
- ⁵ See Geoff Gallop, "The High Court and Electoral Reform in Western Australia" in Mark Brogan and Harry Phillips (eds.), *Past as Prologue: The Royal Commission into Commercial Activities of Government and Other Matters* (Edith Cowan University, 1992), pp.42-49.
- ⁶ *Electoral and Administration Review Commission, Report on Queensland Legislative Assembly Electoral System Volume 1 - The Report* (Brisbane, November 1990), para.11.91.
- ⁷ Legislative Assembly of Queensland, *Report of the Parliamentary Committee for Electoral and Administrative Review on an Electoral and Administrative Review Commission Report on Queensland Legislative Assembly Electoral System* (1991), pp.23-24.
- ⁸ Western Australia, *Electoral Redistribution Act 1947*, Section 7: "Matters to be considered in dividing the State into regions and districts".
- ⁹ Dean Jaensch, *Election: How and Why Australia Votes* (Allen and Unwin, 1995), pp.71-73.
- ¹⁰ On Canada see a report from the 18th Commonwealth Parliamentary Association Seminar "The Size of Legislatures: Perspectives on Provincial Assemblies" in *Canadian Parliamentary Review*, Spring 1995, pp.2-8.
- ¹¹ For one account of how an alternative Legislative Council could function see Legislative Council of Western Australia, *Report of a Select Committee on a Committee System in the Legislative Council*, presented by Hon. V.J. Ferry (September 1985).

- ¹² Commission on Government, *Electoral System - Legislative Council Electoral System - Legislative Assembly, Discussion Paper No. 3* (March 1995), p.18.
- ¹³ "States Rights - for What?" (12 March 1994).
- ¹⁴ See *Royal Commission into Commercial Activities*, Part 2, 5.3.10.
- ¹⁵ Commission on Government, *Discussion Paper No. 3*, p.20.