

Submission to the Ministerial Expert Committee on Electoral Reform

Both the Discussion Paper on this topic and Antony Green's Election blogs of May 4th and May 13th 2021 clearly demonstrate how both the principle (electoral zonation) and the process (compulsory preferencing, almost entirely by group voting) by which the members of the Legislative Council are currently elected are fundamentally flawed. This is primarily the result of malapportionment in the case of electoral zonation and of preference harvesting in the case of preferencing by group voting. Indeed, the results of the 2021 Legislative Council election, which have exposed the state to national ridicule, are merely the latest manifestation of the impacts of these flaws. It is also the case that the Discussion Paper and the blog entries clearly identify how these flaws might be remedied. Nevertheless, the inequity and irrationality of the make-up of the Legislative Council is so extreme and has persisted for so long that, as a Western Australian voter for more than half a century and as a geographer with an interest in the equitable and efficient administration of this state, I feel compelled to add my voice to the calls for fair and rational reform of the means by which the Upper House is elected.

With regard to which electoral model (whole-of-state or region-based) should be adopted for the Council, I submit that the arguments for a whole-of-state system are considerably stronger. The Legislative Assembly already offers the state's electors a place-based form of representation by means of its single member electorates. If minority viewpoints, other than those which enjoy locally concentrated pockets of support, are to be proportionately represented somewhere in state parliament, this can only be achieved by the adoption of a whole-of-state model for the upper house. There are also pragmatic arguments for a whole of state model since it permanently removes the need for both the drawing and (following demographic shifts) the redrawing of electoral boundaries, thereby removing the party-political conflict and protest - and the related costs - that inevitably accompany these processes.

With regard to preference distributions, as the discussion paper acknowledges, group voting was introduced, in Western Australia, as elsewhere, with the best of intentions, namely to reduce the number of informal ballots. However, as with any changes to (for example) tax legislation, no sooner is an amendment brought in than unscrupulous individuals seek to identify loopholes that can be exploited to their advantage. Just as bribery and intimidation were used to manipulate voters before the introduction of the secret (indeed the 'Australian') ballot, so are preference whisperers perverting voters' wishes through manipulation of the group voting system, with the election of a Daylight Saving representative in the Mining and Pastoral province merely the most recent and egregious manifestation of this anomaly. The Discussion Paper notes that "(m)ost Australian upper houses have followed a similar trajectory in their electoral systems" (p.7). By retaining compulsory preferential voting, Western Australia both lags behind the remainder of the country and, thereby, encourages group voting, and thus preference harvesting, most intensely.

With regard to the integration of an electoral model with a system of preference distribution, Table 5 of the Discussion Paper records that New South Wales and South Australia, the two legislatures with whole of state electoral models for their upper houses, operate semi-optional preference systems with no group voting. Furthermore, they elect 42 (NSW) and 22 (SA) upper house members to 8-year split terms. Were Western Australia, with its 36 MLCs, to adopt this model, this would essentially eliminate, the current flaws of malapportionment and preference harvesting alluded to above. Furthermore, since the recommendation of any change in the number of MLCs in WA is beyond the remit of this committee, it would also mean that 18 MLCs would be elected every four

years on the basis of a quota somewhere between the 4.55% required in NSW and the 8.33% required in SA. At this quota level, minority views with moderate state-wide or strong regional significance would have a real chance of obtaining a proportionate level of representation.

The Legislative Council has been evolving and changing since 1832. The reforms suggested here are in line with recent developments elsewhere in Australia, they remove the worst deficiencies of the current system and provide a pathway whereby the upper house can become fit for contemporary (and, ideally, future) purpose.

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