

REFERENCE 1 ELECTORAL EQUALITY

It goes without saying that the final progress of the Legislative Council to an electoral system that enshrines the principle of an equal say for all citizens in determining government & legislation is to be welcomed. Up until 1965 the argument that only those who held property should have a say in Council elections held sway. Votes for Aborigines were not to be countenanced. This then gave way to a system of malapportionment that denied the majority an effective voice. There are those who still argue for a system of weighted votes (the equivalent of multiple voting) to advantage either a particular political party or economic or environmental interest group. This is inimical to a democratic system. All other Australian state & territory legislatures embody the principle of one vote one value. This is not a matter of contention in any of these other jurisdictions. I therefore proceed to make some observations about the means of achieving this end.

MODEL 1 WHOLE STATE ELECTORATE

This is probably the IVIV Model that is most familiar to West Australians having operated in Senate elections since 1901. There are two variants of this model (a) 36 Up. Under current arrangements the whole Legislative Council is elected every 4 years. This would mean 36 positions to be filled with a quota of 2.7%. A threshold would need to apply & it would be difficult to see this being set above the quota. There may be practical difficulties with extra large ballot papers needed to accommodate the number of candidates. At the very least some form of optional preferential system would need to apply to prevent an increase in informal voting. (b) 18 up. This would see the reintroduction of staggered terms, a system that applies in the Senate, in upper houses in SA, NSW & TAS, and existed in WA prior to 1989. The Legislative Council term would be 2 terms of the Assembly, with half the members up for election at every general election. This would maintain the single state wide electorate, but with a quota & possible threshold of 5% or just over. Once again there may be practical difficulties. MODEL 2 REGIONAL PR. The current regional PR system for the upper house could be modified in line with the IVIV principle. (a) 4 Regions of 9 members each. This would maintain a reasonable level of proportionality, while dividing the State into 4 electorates. I would contend that no attempt should be made to define geographic boundaries in legislation, but that this should be left to the Electoral Distribution Commissioners. It would be sufficient that the legislation specified the level of equality required between the regions. For example it could be required that each of the 4 regions be composed of 14 or 15 whole contiguous Legislative Assembly districts (in this case 3×15 & 1×14) covering the 59 Legislative Assembly districts. (b) 6 Regions (3×7 members & 3×5 members. This would maintain a modified form of the current 6 region system, with a reasonable level of proportionality, with a mix of 5 & 7 member constituencies, as applied prior to the 2008 election. Once again the principle of IVIV would be applied by requiring a proportionate number of whole Legislative Assembly districts to constitute each region. The removal of geographic definitions would allow the Distribution Commissioners some flexibility, without having to conform to rigid land use requirements. (c) 8 Regions (6×5 members, & 2×3 members) While there would be less proportionality, this model could accommodate smaller discreet geographic localities, while once again being based on Assembly districts. It is taken for granted in these comments that no government would want to hold a referendum in order to attempt a reduction in the number of Legislative Councillors. Of course the numbers could be increased slightly if this was seen to significantly facilitate the introduction of the new system. It is also assumed that the new system would be based on the current Assembly distribution of 59 seats.

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