

To the Ministerial Expert Committee on Electoral Reform,

Attached is my submission containing my ideas for the electoral reform of the Western Australian Legislative Council.

Yours truly,

Kyle Hawkins

Submission to Electoral Reform Committee

Background

Some background might be necessary to establish my position. My name is Kyle Hawkins, I live in South Perth of the South Perth electorate on the state level and Division of Swan on the federal level. I am currently studying the Master of Professional Engineering at the University of Western Australia, with prior studies at undergrad level at the same institution, as well as at RMIT and Monash University. Though I have lived in Melbourne from 2013 to 2018, I am a proud Western Australian citizen at 26 years old and I am honoured to lived in this great state.

Which is why when there are aspects about it that don't work, I will make note of that such that they'll be fixed. I believe we can make a great state even greater. Which brings me to the Legislative Council, the state level equivalent to the federal Senate. From what I understand, the upper house of any bicameral legislature is supposed to act as a kind of board of review, such that it filters out the worst, least practical or desirable aspects of any piece of legislation put forward in any bill passed by the lower house, the Legislative Assembly.

With that in mind, let's get some facts straight: the state contains 2.67 million people over a territory spanning 2.64 million sq km of land, with 92% living in the relatively fertile south-western corner of the state and 79% living in the metropolitan area of Perth, the state capital. The 59 LA seats are thus drawn accordingly such that they have an equal number of residents which should mean a roughly equal number of sufficiently aged (at least 18 years old) electors. Because of variation in population age distribution, a district like Buter might have 30,000 electors in it while North West Central has only 10,000. But as long as the districts continue to change to reflect population shift to aim for electoral parity (as of a 2005 electoral reform bill), there is little reason to aim for further improvement as of yet.

As for the Legislative Council, it employs a kind of regional zoning such that there are six regions each putting out six MLCs for a total of 36 MLCs. However, there are three metropolitan seats and three rural seats. This means that the Mining and Pastoral region which spans from Broome to Exmouth to Kalgoorlie carries about six times more voting power than for instance the North Metropolitan region. And since rural voters tend to vote more conservative, this has led to a Legislative Council that has been dominated by conservative parties like the Liberal and National/Country parties since the state government's foundation in 1890.

Before we get into why this might be a problem, let's address some possible reasons to keep the system as is: the state is vast, rural seats underpopulated, politicians need to communicate with their constituents, rural infrastructure is decrepit, most indigenous residents live outside of Perth, etc. But let's be real here, does the status quo really help solve these problems? Face it, the status quo doesn't work; if it did, all of these problems would have been solved or on their way to being solved by now. Farmers who think they're benefitting from disproportionate representation in parliament are running on naïve assumptions like protection from majority rule, as if the answer to that is minority rule, which as we all know worked so well in Queensland from during the Joh Bjelke-Petersen era (not!).

The only true beneficiaries to malapportionment of this nature are conservative politicians and the wealthy businesspeople who they truly represent. Why keep in place a system that weakens or blockades Labor governments and/or rubberstamps Coalition governments? If you truly care about regional residents, the true answer is one person, one vote. That's it. And another thing, why can't representatives communicate with constituents with computer apps like Zoom, streaming or Discord? That would completely circumvent the need to fly to the furthest corners of a vast yet thinly populated district.

Things are finally changing

I'll be real with you, when Labor won its best result in Western Australian history in 2017 with 41 out of a possible 59 LA seats, especially considering the Coalition won big previously in 2013, I thought that this would be the peak of its electoral performance. But the COVID-19 pandemic beginning in March 2020 changed everything. The state government under the premiership of Mark McGowan pursued a radical transitional solution in a time when COVID vaccines had yet to exist: shut the state off from the rest of the commonwealth. This meant that anyone wishing to enter the state had to quarantine for 2 weeks, regardless of travel origin or intention.

While this might have dampened tourist travel into the state, it worked to prevent a sizable outbreak anywhere within its borders. As such, public approval of the state government skyrocketed, which was already a problem with the Liberal opposition to begin with, especially considering that an election was due in March 2021. I get that the idea of an opposition is to curb the government's excesses and provide alternative ideas to planned legislation, but all the Liberals did was virtue signal abstract ideas like 'liberty' and 'free speech' which are fine on paper but when this translates to a call to tear down the hard border prematurely, it could prove counterproductive, and we all know how such a lackadaisical attitude to plague pathogens could backfire hard (think Brazil, India and the United States, especially Texas and Florida).

In November 2020, the state government loosened the border such that if another state went for 28 days straight without any local transmission, then travel from there wouldn't necessitate a two week quarantine period. If an outbreak were to occur in that state, then the hard border would return for it like before. Given how well the strategy worked, the subsequently high approval for the Labor government and lack of viable comeback strategy on part of the Liberals led to Labor being returned with an even greater majority of 53/59 LA seats and 22/36 LC seats, which brings us to the present situation.

First, the trigger. Though electoral reform was not initially on the government's agenda, there was a glaring irregularity with the results that became impossible to ignore: the Daylight Savings Party won an LC seat with only 98 first preference votes and in the Mining and Pastoral region no less (0.2%), which doesn't normally support daylight savings laws. In contrast, the Greens won 27,077 first preference votes (7.4%) in the North Metropolitan region but no seats there, the Nationals won 22,999 votes in the Agricultural region and thus two seats and the Liberals won 67,000 votes in the South Metropolitan region but only one seat!

Second, the opportunity. Labor has the majority of LC seats, making this the first time in WA history where this has happened; as a product of extreme circumstances, this may never happen again under the current system. If we accept the LC's role as the house of review, then it would make sense that its proportions are similar to those of the LA, which means coming up with new ways to allocate representation in the LC. Every other state has done this with Victoria and Tasmania having equally populated regions for their upper house elections, South Australia and New South Wales having one common district with half of the MLCs elected on each election cycle and Queensland taking the most radical approach where its upper house doesn't even exist!

Possible proposals for solutions 1: Legislative Council Redistricting

Now we come to the fun part: figuring out how to fix the Legislative Council for Western Australia. There are many ways we can go about it. Here are mine and I think you'll agree with their merits:

Idea 1: District reweighting

This idea maintains the regional boundaries as they are. Suppose that the regions are reweighted based on the number of electors or districts in their borders as a proportion of the total state population. This table shows the best way to recalibrate the weightings for each region.

Region	LA Districts	LC Seats
North Metropolitan	14	9
South Metropolitan	15	9
East Metropolitan	14	9
South West	8	5
Agricultural	4	2
Mining and Pastoral	4	2

As you can plainly see, the metropolitan regions constitute three quarters of the state population and thus seats while the remaining regions have the remaining quarter, with the South West having the lion's share of that. So, this weighting is pretty much perfect for all intents and purposes. However, to the rural voter, perception that they may be shafted would seem truer here, especially those who get all of their news from conservative media outlets who benefit from the status quo.

Idea 2: Regional boundary shifts

Suppose that we have to change the boundaries of the regions. One of the simpler solutions might be as follows:

Region	LA Districts	LC Seats
North Metropolitan	14	9
South Metropolitan	15	9
East Metropolitan	14	9
Rural	16	9

This involves merging all non-metro regions into one common rural region stretching from Busselton all the way up north to Kununurra. That way, the rural voters would be united in parliament, if they could put their differences aside. Remember that WA is not and can't be a monolith. Vasse, which has Busselton, is very conservative and is one of only two Liberal seats remaining while Kimberley, with its substantial indigenous population, consistently votes Labor. Then again, even within the metro regions, there is substantial variation in voting behaviour. The North Metropolitan region for instance contains the core of the state's Liberal voting base in Cottesloe and the more consistently Labor supporting Nollamara.

Then again, people probably don't want to vote for that many candidates in a single district. Which brings me to the next three regional redistributions:

Region	LA Districts	LC Seats
North Bank	7	4
South Bank	7	4
Northern Shores	6	4
North Metro	6	4
South Metro	6	4
Swan Valley	7	4
Peel	7	4
Leeuwin	6	4
Outback	7	4

This one aims to create nine equally weighted regions with roughly equal numbers of LA seats. To clarify, North Bank is just north of the Swan River including Perth, Nedlands and Morley, South Bank is just south of the Swan River including Fremantle, Bateman and Riverton, Northern Shores contains coastal suburbs like Hillarys, Carine and Scarborough, North Metro has the far north seats like Joondalup, Butler and Wanneroo, South Metro has more southern suburbs like Canning Vale, Thornlie and Cockburn, Swan Valley has the upper Swan communities like Ellenbrook, Kalamunda and Mundaring, Peel has the far southern metro communities like Rockingham, Baldivis and Mandurah, Leeuwin has far southern coastal towns like Busselton, Albany and Esperance and Outback has regional industrial centres like Geraldton, Karatha and Kalgoorlie.

Region	LA Districts	LC Seats
Northern Metro	9	5
North Bank	9	5
Eastern Metro	8	5
South Bank	8	5
Southern Metro	8	5
Leeuwin	8	5
Wheatbelt & Outback	9	6

This one aims to have seven equally weighted regions. Similar terms apply, but Wheatbelt & Outback has both the wheatbelt and the outback, so again Esperance is in the same region as Exmouth, with Leeuwin having only the South-West and Peel and the Eastern Metro being the Upper Swan and Darling Ranges.

Region	LA Districts	LC Seats
North Metro	12	7
Central	12	7
Canning	12	7
South Metro & Peel	11	7
Rural	12	8

This one aims to have five equally weighted regions, with Central containing Fremantle, South Perth and Churchlands and Canning containing Cockburn and Forrestfield. Note how in each case, the line between the far south of the Perth Metropolitan area and the Peel region starts to blur. Now, each redistricting idea has its own individual perks and drawbacks so whichever one would get chosen would be the best after everything else is considered. And even then, maybe the region names changed to those of important Western Australians or Aboriginal placenames and so one and so forth.

Speaking of, there's another redistricting option: 16 based off of the federal level electoral divisions. The problem with that is that each region would have only two seats if it's lucky, which goes against the whole point of the Single Transferrable Vote upper houses tend to use: multi-member districts elected on ranked ballot, but more on that later.

Idea 3: Single district for the Legislative Council

This is the approach taken by New South Wales and South Australia. Basically, merge all LC regions into one common region encompassing the entire state. The elections in this case are staggered such that MLCs have 8-year terms, but that half of them are up for re-election on every election cycle. So essentially, MLCs come in two blocks which I'll call 'A' and 'B' for simplicity's sake. On one cycle, LC Block A is up for election, on the next Block B is up, then Block A again, then Block B again, etc. In the case of Western Australia, Blocks A and B would each have 18 MLCs, a number which sounds unwieldy but given how the equivalent Blocks in NSW are 21 MLCs each, this is perfectly doable.

Keep in mind though, while it does eliminate the work needed to brainstorm alternative redistricting and reweighting strategies for how simple it is, there's no guarantee that any of the elected candidates would actually come from the rural areas, unless voters actually put in the effort of voting below the line to ensure that the candidate they do want from their party does make it in, but more on that later.

Idea 4: Abolition of Legislative Council

This is the most radical idea of them all, just get rid of the LC altogether and make the WA parliament a unicameral legislature like in Queensland. That way, the general public can get to be the party of review such that popular initiatives can help amend legislation, unless said legislation is irredeemably bad or unpopular, in which case it's either repealed or the party in power gets voted out in favour of another who can do that. The thing is that even if the idea were popular among Western Australians, and I'm willing to bet not, it's such a radical move that it'd be more likely to be put to a referendum. As such, a question like that can be asked at a future date if ever at all.

Possible proposals for solutions 2: Improved Voting Methods

Australia is well known for its Instant Runoff voting method, in which voters rank the candidates on the ballot rather than pick just one like in the First Past The Post method used in Canada, the United States and the United Kingdom. The ranking ensures that votes meant for a candidate who got eliminated on each iteration because they had the lowest number instead flow down to the next preference, such that they'll end up backing the preferred big party, thereby mitigating the spoiler effect.

This is the system in place for the lower house of the federal and most state parliaments, the notable exception being Tasmania which has multi-member districts. Each of those parliaments have representatives elected from single member districts. Now, if it were up to me, I would merge Legislative Assembly or House of Assembly districts into multi-member districts to better reflect the popular will but that's an idea for another date. That system would be Single Transferrable Vote, where candidates are elected using ranked ballot from multi-member districts, as is already done for the upper houses on the federal and state levels, again except for Tasmania which has single-member districts for that house (I personally think it should be a common block but I'm not Tasmanian so that was a pointless tangent).

Not many parties get enough first preference support to be able to win even one LA or HA seat, so those that do or feasibly could are the only ones that make it onto the lower house ballot, usually about 6 to 10. It's usually easy to rank all of the candidates in this fashion because there are so few of them. Because of the proportional nature of STV, smaller 'microparties' with minimal first preference support often apply for elections at this level of government, and the multi-member nature of the

districts obligates larger parties to field multiple candidates for that district, usually as many as the number of seats for that particular district. The end result is a ballot with a lot, and I mean a lot of candidates.

Historically, the ballots allowed for two methods of selecting candidates: above the line which is pick one's favourite party or below the line which is to rank every single candidate on the ballot. Both methods are terrible ideas. For one, if there are over a hundred candidates for a given district, it would be very much impractical to rank all of them and most voters have other things to worry about and don't have the time and bother, so it should come as no surprise that most of them vote above the line. The problem is, if you do that, you don't know where your preferences are going to end up. All of the parties involved make preference deals without most people knowing. Let's say you vote for One Nation, hoping that if they get elected you as a likely white Australian can get compensation for having your job lost to a foreigner due to neoliberal globalisation, but then if they don't then the preference is likely to flow to the Liberal Party who will likely vote in favour of outsourcing your job overseas anyway as the ardent defenders of this economic model (for the record, I tend to place the Greens and/or Socialist Alliance near the top of my preferences such that they'll flow to Labor but that is just me, your preference list may differ, I am just highlighting a hypothetical).

As it currently stands, only Western Australia and Victoria continue to use this system on the state level. So, here are my ideas:

Idea 1: Emulate the federal Senate voting method

This one appears to be a no-brainer. As of a voting reform in 2016, you have to vote for at least 6 parties if you wish to vote above the line or at least 12 candidates for below the line. Let me get this out of the way; I don't like the optional preference method. Why? Because again, when the voter is intimidated into apathy by the sheer size of the ballot paper or lack of faith in politics, they'll just vote for their first pick, essentially making it no better than FPTP. Look at the Upper-Hunter by-election in NSW, of course most electors went this route! So, I still support mandatory preferencing.

While I can easily support this for the lower house ballot, or even the above the line method, I am willing to give a little leeway for the below the line method. In fact, as I've said before, having to rank every single of the over 100 candidates is a bad idea but I am in favour of a compromise solution: mandatory ranking up to a certain number, optional after that point. Doing so relieves the pressure off the voter who wants to go out of their way to support a particular candidate of their favourite party.

Now, New South Wales and South Australia have a variation on this idea such that above the line is an optional rank and below the line is a mandatory rank up to 15. But the idea behind the reform is to minimise opaque preference deals so I like the federal Senate method better. So here is my idea and I think you'll agree: mandatory full preferencing for above the line and mandatory up to 15 candidates below the line. Why? There were roughly 26 parties running in the last election and I think 26 is reasonably manageable. If you don't like that idea, then how about this compromise: mandatory up to 8 for above the line.

Idea 2: Set a threshold for the right to a seat

This is similar to electoral systems used in places like Germany, Scotland and New Zealand: if a party has less than 5% of voter support, they can't win on the party list. But those methods don't employ a ranked preference like Australia does but we can have a variation of this system for the following idea: set a threshold of first preference votes for the right to win a seat. Now, there are already thresholds in place for election of candidates for the LC as inherent to STV, $\frac{n}{(N+1)} + 1$ where 'n' is the number of votes allocated as the preferences shift with the elimination of bottom place candidates and 'N' as the number of seats for a given region. Each region is represented by six seats so this effectively means threshold is $\frac{n}{7} + 1$ or 14.28% + 1 of the regional electorate.

But regardless of which redistricting method is used, there should also be a lower threshold. I say if a party doesn't win 1% of the first preference vote, then that party is automatically eliminated from the preference shifting phase and their preferences instead go to parties who do have at least 1% of the first preference vote. This is so that 'microparties' with negligible support have no chance at the seat but as long as the voter ranks their candidates to a sufficiently high number, then their vote would not be in vain regardless of whether or not their first preference went to a hopeless cause.

Idea 3: Use a different voting method

Here's a radical idea of mine: replace STV with another voting method. Remember that the upper house is supposed to be a house of review, not a tool for conservatives to hold back popular progressive legislation and rubberstamp conservative legislation. It would therefore need to be a perfectly or otherwise adequately proportional body, so a party list would need to be implemented. But remember that rural voters like to be local represented and we need to dissuade them from propping a status quo than can only ever hurt them.

We could implement Mixed-Member Proportional voting like seen in New Zealand. Instead of one ballot, let's make it two. Let's make it so that 24 of the 36 seats are to be elected from single member regions (each made up of 2 or 3 LA districts for fairness' sake) using a single vote. While this is similar to FPTP, it will also come with a party list such that the voter can pick their favourite party. This is such that, even if the voter has to strategically vote for one of the big parties for local representation, the party list can account for those voters whose local votes are otherwise lost. That way, a 1% threshold can then be implemented to prevent microparties from earning undue success. And to distinguish from the LA ballot, both LC ballots can be placed onto a single sheet of paper.

An alternative, more radical method is to just do away with partisan politics for the LC altogether and only have a party list of politically neutral academic experts. This is a system similar to Singapore. Now, on paper, only having the most intelligent and educated have the right to partake in legislation would be a great idea, especially for the upper house because again, it's supposed to refine bills passed in the lower house so that they're not implemented poorly. But remember that the idea of democracy is that anyone can get involved in politics, and that elected officials must represent the will of their constituency. Given that, the party list should ideally have quotas arranged like the redistricting ideas presented earlier, then a hopeful candidate should have sufficient community engagement in their own local community on top of their academic expertise to even be considered for the party list, such that while the elected representative may be highly intelligent, they are still well liked and popular among their respective community.

Conclusion

Each of my ideas have their own benefits and drawbacks, varying degrees of feasibility and while some might be mutually exclusive, others can complement each other quite nicely. All I ask of you is that you look over what I came up with and implement what you think are the best if you think they are worthy. Because its high time we changed how we elect the Legislative Council and we might not get another opportunity like this again.