**Submission to Ministerial Expert Committee on Electoral Reform by Peter Cox**

*Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council*

It is disappointing that the Committee wishes to interpret its terms of reference narrowly, and so intends to make no comment on the desirability of "electoral equality".

It should be noted that the terms of reference do not even define "electoral equality", and the best way for the Committee to determine an appropriate definition would be to consider what form of "equality" is most desirable.

In any case, it would be undesirable to have the same number of electors in each rural electorate as in each metropolitan electorate for the following reasons.

- Rural areas are critical to the economy of Western Australia, but the rural population suffers many disadvantages compared to the metropolitan population. Therefore, it is desirable that parties with a majority in the Legislative Council have significant rural representation.

- It would be inconsistent with the approach taken in the Senate, which ensures a geographic spread of representation.

- The State Government has no mandate to reduce rural representation in the Legislative Council. During the election campaign, the Premier clearly stated that this was not on the Government's agenda.

*Recommendations for the distribution of preferences in the Legislative Council's proportional representation system*

The Committee's terms of reference provides the example of the Daylight Saving Party winning a seat, having received 98 first preference votes. However, the Daylight Saving Party did not win by getting 98 first preference votes, it won by getting a quota of preferences.

An approximate description of what happened was that a quota of electors in the Mining and Pastoral region expressed a preference for any minor party candidate over all major party candidates. Within that quota, the electors had a wide range of first preferences, so individual minor parties received low first preference counts. However, as minor parties were eliminated, their preferences flowed to the Daylight Savings Party.

This was a good outcome, as that quota of electors had all expressed a preference for the Daylight Savings Party over all major party candidates. If parties were ruled ineligible to be elected simply because they had a low first preference count, those electors would have been disenfranchised.

However, it is true that the two methods of voting for the Legislative Council have drawbacks.

- When voting above the line, electors must go with the preferences chosen by their preferred party. This both limits choice and reduces transparency for electors, as they would not know what those preferences are unless they have searched for them on the WA Electoral Commission website. It is likely that a large proportion of above-the-line voters do not know how their preferred party is distributing preferences.

- Although voters can choose their own preferences by voting below the line, this both takes considerable effort and gives considerable scope for making errors, and hence potentially invalidating the vote.

A solution would be to allow electors to choose their own preferences above the line. This option could either require them to number every box above the line, or to number a minimum number of boxes above the line. Numbering every box above the line would still be somewhat onerous, but only requiring a few boxes to be numbered would result in many votes exhausting. A guide to an appropriate minimum number of boxes could be the number of boxes on a typical Legislative Assembly ballot, as voters are already expected to be able to number that many boxes.

In summary, I recommend that:

- there should be no minimum number of first preference votes required for a candidate to be elected; but

- there should be an option for electors to select their own preferences above the line, by numbering a minimum number of boxes, based on the number of boxes on a typical Legislative Assembly ballot.