



8 June 2020

Hon Mr Malcolm McCusker AC CVO QC  
Chair  
Ministerial Expert Committee on Electoral Reform

By email: [submissions@waelectoralreform.wa.gov.au](mailto:submissions@waelectoralreform.wa.gov.au)

Dear Chair

**Submission to the Expert Panel on Electoral Reform**

Thank you for the opportunity to present the views of the Kimberley Regional Group (KRG) on this important consideration of Electoral Reform in the Legislative Council.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

Any reduction in access to representation in parliament will further disadvantage those in the bush, particularly those in remote communities and it is with this in mind, we provide the attached submission.

Should you require any further information or clarification please contact Debra Goostrey in our Secretariate at [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by telephone on 0439 380 266.

Yours sincerely

Cr Chris Mitchell  
Chair  
Kimberley Regional Group



## **Submission to the Expert Panel on Electoral Reform 8 June 2021.**

This submission has been supported by the four Shires in the Kimberley being the:

- Shire of Broome
- Shire of Halls Creek
- Shire of Derby West Kimberley
- Shire of Wyndham East Kimberley

### Terms of Reference

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

AND

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

### 1. Comment on the Terms of Reference 1

#### *1.1. The use of the word equality vs equity.*

There is nuance in the use of the word equality versus the word equity.

The meaning of equality is to give each individual or group the same resources or opportunities.

Equity recognises different circumstances, capacity, access and other factors and allocates resources in accordance with need.

To fulfill the Terms of Reference, an equal number of voters would likely be required for each elected member/seat.

This approach would decimate regional representation and further disadvantage those that are most vulnerable in the regions.

By all known measures the Kimberley suffers from disadvantage at both an individual and regional level.



- Our per person gross regional product is a mere \$89,089 compared to the whole of Western Australia's \$115,685.
- Two of our Shires are in the top ten most disadvantaged in Western Australia according to the Socio-Economic Indexes for Australia 2016 with the Shire of Halls Creek second behind the remote central desert shire of Ngaanyatjaraku, which is also in the Mining and Pastoral Region.
- Our premature death rate, as a percentage of all deaths, is extremely high with two shires in the Kimberley ranking in the top 20 in Australia in 2018 (latest data). Halls Creek recorded the sixth highest in the nation at 87.5% with Wyndham East Kimberley coming in at number eighteen with 75%. In all Shires in the Kimberley, the rate of premature deaths was more than 70%. Others in the top 20 in Australia located in the Mining and Pastoral region include Karratha 87.5%, Port Hedland 82.1% and Kalgoorlie Boulder 74.8%. Sadly, suicide was the third most common cause of death between 2014-2018, behind coronary heart disease and diabetes.
- Our education system shows a high prevalence of children entering school with two or more levels of developmental vulnerability and attrition for High School attendance leading to many of our youth being disenfranchised and without basic literacy and numeracy skills.

The data above is simply indicative of our issues which also include a litany of infrastructure failures that sees 4% of all deaths in the Kimberley occurring on our roads.

Changes to the existing arrangements require an absolute majority of 19 out of the 36 votes, however any reduction in the total number of seats requires a referendum. For the purposes of this submission it is considered by the KRG that there will be no reduction in the overall number of seats, rather the likelihood of a redistribution away from regional areas consistent with the powers of a constitutional majority.

We are not equal to metropolitan Perth, our level of disadvantage is far greater, and the removal of representation based on population alone is likely to exacerbate the high level of disadvantage already experienced. There is deep concern that this will become a Perth centric mathematical exercise rather than a more nuanced deliberation about recognising disadvantage and empowering local communities through ongoing and expanded participation in the democratic process to improve their communities, their lives and those of future generations.



## *1.2. Practical matters of representation*

The Mining and Pastoral region represents one percent of the world's land mass and has one of the lowest population densities in Australia. The vast distances between communities, lack of regular inter-regional flights and, in many cases, the lack of commercial flights, means that access for elected members to meet and understand local concerns is curtailed. Any move to reduce representation will further exacerbate this issue, pushing representatives to, at best, have infrequent visits to more remote areas of our state.

The comparatively low voter turn-out is a reflection of this geographical tyranny. The machinations of a parliament, which can seem to conduct a Perth centric agenda, needs genuine engagement by the elected members to ensure the legislative framework is relevant to their lives, needs and aspirations. Decreasing representation will only exacerbate this issue.

## *1.3. Background to the Legislative Council*

An understanding of the history of the Legislative Council is important in the deliberations of the future of this house. We recognise that change occurs over time, reflecting the needs of the state. Change should not, however simply favour the many, it should ensure that the voices of those distant, different or even disengaged are still part of the decision making process.

The legislative Council has a strong history from its foundation in 1832. It predates both the British Parliament Act enabling colonies to form Legislative Councils (1850) and the formation of the Western Australian Legislative Assembly (1890).

The first recognition of the north of the state (being above the 27<sup>th</sup> parallel) came in 1874 when the seat, appropriately called the "North", was created. By 1883 the North was increased to two representatives and the seat of Gascoyne was created. The seat of the Kimberley was created in 1887.

With the adoption of the bicameral system in 1890 (upper and lower houses) the Legislative Council returned to an appointed body and became a "House of Review". The Constitution Amendment Act of 1893 saw the Legislative Council return to being an elective house, now with seven provinces with three representatives each. With additions and boundary adjustments, this arrangement remained in place until the Constitutional Amendment Act (2) in 1963 which saw the abolition of the existing 10 three member provinces and the establishment of 15 two member provinces. The North Province represented the Kimberley and other regional northern areas. With the addition of the East Metropolitan Province in 1977, this structure remained in place until the Constitutional Amendment (Electoral Reform Act 1987) when the current six regions were established. The South West and North Metropolitan regions initially had seven members with the other seats returning five, however the 2005 reforms created the current six member representation for each region in the 2008 election.



#### *1.4. Considerations for the Review of the Legislative Council*

Noting the composition of the Expert Panel, it is likely that the paper prepared by Professor John Phillimore and Graham Hawkes will inform the deliberations of the Expert Panel. The mathematical assessment and drive towards one-vote-one value is of deep concern when not undertaken with full knowledge of, and a weighting process for, the factors that jeopardize a regional voice in the Legislative Council.

Of the five proposals put forward in the paper by Professor Phillimore, three see Mining and Pastoral reduced to just three seats. The remaining two options see the abolition of Mining and Pastoral to form two regions (metro/non-metro) or the further collapse the regional voice to form a whole of state region which provides no guaranteed regional representation at all.

Whilst the term “equality” has been used in the Terms of Reference, the term equitable is a far more pragmatic, practical and sustainable approach to electoral reform.

This enables a consideration of relevant factors such as the economic importance of the region and levels of disadvantage. Western Australia's Gross Regional product (2019-20) sits at \$292b with the Mining and Pastoral Region contributing \$54.5b being some 18.7% of the total. If economic contribution was a factor then the current six seat distribution to Mining and Pastoral from a house of thirty-six would be mathematically appropriate.

Whilst regional economic contribution has a place in this discussion, it is recognised that the ballot box represents registered voters. That said, when the engine room of the state's economy is sparsely populated and many in the population suffer from extreme disadvantage, a weighting system must continue to be applied. To this effect, one-vote-one-value is rejected outright by the KRG unless it is coupled with a clear and transparent weighting system which recognises the matters contained in this submission.

Enlarging the geographical area is also a poor option as the current logistics of being a regional member of the Legislative Council are already challenging. If given a seat covering all non-metro or all of state, how much attention will be paid to those in the more remote parts of the bush? The spiral triggered by reduced representation may also see our disadvantaged even more marginalised, particularly in remote areas.

As a society it is unacceptable to establish a system of government that by its very structure precludes access by voters to their elected members. We run the risk of our regional voices becoming so muted that the government's understanding of the issues being faced is diminished to the point that liveability is eroded. We already see a drain as some of our best seek alternative places to live, work and raise families as they can access services including quality medical and educational facilities not available in the bush. This workforce drain reduces the capacity of regional businesses to service our major industry sectors. Whilst FIFO is a source of workers, it is not the only



source and local business viability must be maintained. Local Governments would also face increasing challenges of finding and retaining qualified, experienced staff.

Finally, we would like to stress that the Legislative Council is a house of review and it is essential that all voices are heard through the debate that occurs to avoid unintended consequences as legislation is progressed into law.

That should be a fundamental principle guiding the work of the Expert panel, with a focus be on what the weightings are, and the values assigned to each to protect regional people, regional jobs and regional communities.

Whilst the KRG is not seeking to pre-empt a preferred outcome prior the findings of the Expert Panel being handed down, we seek your consideration of a far broader equity based discussion of the distribution of seats in the Legislative Council than maybe the case through strict adherence to the Terms of Reference.

### *1.5. National Context*

It is acknowledged that not all States have Legislative Councils however abolition cannot occur in Western Australia without a referendum so an assumption has been made that is not a likely outcome of the deliberations of the Expert Committee. Further, of the states that have a Legislative Council, NSW and South Australia both have a “whole of state” electoral system, whilst Tasmania, Victoria and Western Australia have seats allocated by region. When comparing WA to other states however, the size of the state and distribution of the population delivers a very different outcome from what would occur in Western Australia. In Victoria, their largest seat covers 100,000km<sup>2</sup>, whereas Mining and Pastoral, without any further boundary changes, covers an area of 2.2millionkm<sup>2</sup>.

Western Australia, by land mass, is the largest in Australia and this must be considered in the formulation of new approaches. Our Australian Senate is an example of where, if one-vote-one value was applied, we would have a significant reduction in representation, down from 12 members to around eight, with NSW rising to 24, Victoria to 19 and Queensland to 15. We can only assume the State Government would not welcome a change to our representation on the national stage, just as residents in the regional and remote Western Australia object deeply to our voices being muted by insufficient representatives to service our vast area.



## 2. Comment on the Terms of Reference 2

### 2.1. *Options in relation to the Legislative Council's proportional representation system*

It would seem the current system where “vote harvesting” based on a commercial arrangement with a third party negotiator, rewarded financially on success, is not in keeping with the concept of democratic representation of regions. To this end, the KRG supports strategies to improve recognition of voter will. This may mean minimum thresholds prior to redistribution to a candidate and/or an enhanced system of voting above the line as used in the Senate.