



8 June 2021

The Ministerial Expert Committee on Electoral Reform
11th Floor Dumas House
2 Havelock Street
WEST PERTH WA 6005

Via email submissions@waelectoralreform.wa.gov.au

PGA Submission to the Ministerial Expert Committee on Electoral Reform

Introduction

The Pastoralists & Graziers Association of WA (PGA) is a not for profit industry association established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

The PGA's membership consists of broadacre producers only, including 84% of all pastoral leases, excluding aboriginal or conservation leases, within the Mining and Pastoral Region, and 21% of primary producers in the Agricultural and Southwest Regions. As such, the PGA welcomes the opportunity to provide comment to the Ministerial Expert Committee on Electoral Reform.

Terms of Reference

On 30 April 2021 the McGowan Government announced the appointment of a Ministerial Expert Committee to modernise the Electoral Act 1907, following the Government's perceived "anomalous outcomes" at the March 2021 State election, specifically that:

At the 2021 election for the Legislative Council:

The Daylight Saving Party won one seat in the Mining and Pastoral region, having received 98 first preference votes, which is equivalent to just 0.2% of all formal votes in that region;

AND

The Greens in the North Metropolitan Region received 27,077 first preference votes, or 7.4% of all formal votes in that region, but did not win a seat;

Pastoralists & Graziers Association of Western Australia (Inc)

Ground Floor, 28-42 Ventnor Avenue, West Perth WA 6005 PO Box 889, West Perth WA 6872
Ph: (08) 9212 6900 Fax: (08) 9485 0299 Email: pga@pgaofwa.org.au

AND

In the Agricultural Region, the Nationals received 22,999 votes and won two seats;

AND

In the South Metropolitan Region, the Liberal Party received 67,000 votes but won only one seat;

The Government now asks the Committee to review the electoral system for the legislative Council and provide:

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

AND

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

PGA Response

1. The PGA strongly opposes the Government's assertion that the outcomes in the Legislative Council from the 2021 State election were in anyway anomalous, nor that the results should in anyway facilitate any reforms to the current electoral process. The PGA notes that the results of any democratic election are not predetermined, and are often subject to unexpected outcomes which may or may not favour the majority of the electorate.

Political institutions shape the rules of the game under which democracy is practiced, and it is often argued that the easiest political institution to manipulate, for good or for bad, is the electoral system.

In translating the votes cast in a general election into seats in the legislature, the choice of electoral system can effectively determine who is elected and which party gains power. While many aspects of a country's political framework are often specified in the constitution and can thus be difficult to amend, electoral system change often only involves new legislation and can thus be subject to manipulation by unscrupulous majority.

Even with each voter casting exactly the same vote and with exactly the same number of votes for each party, one electoral system may lead to a coalition government or a minority government while another may allow a single party to assume majority control.

Further a number of other consequences of electoral systems go beyond this primary effect. Some systems encourage, or even enforce, the formation of political parties; others recognise only individual candidates. The type of party system which develops, in particular the number and the relative sizes of political parties in the legislature, is heavily influenced by the electoral system.

So is the internal cohesion and discipline of parties: some systems may encourage factionalism, where different wings of one party are constantly at odds with each other, while another system might encourage parties to speak with one voice and suppress dissent. Electoral systems can also influence the way parties campaign and the way political elites behave, thus helping to determine the broader political climate; they may encourage, or retard, the forging of alliances between parties; and they can provide incentives for parties and groups to be broadly based and accommodating, or to base themselves on narrow appeals to ethnicity or kinship ties.

2. The PGA also contends that the question of electoral equality has already been considered by the High Court of Australia in *McGinty v Western Australia* following a challenge by the then Western Australian Labor Party leader Jim McGinty of the 1996 election results on the basis of malapportionment. The plaintiff's submissions which sought to enshrine the principle of "one vote on value" in the Australian Constitution were unanimously rejected by the Court which held that the interpretations of sections 7 and 24 of the Australian Constitution did not require that all votes hold the same value.

The terms of reference require that the Committee recommend how electoral equality might be achieved for all citizens to vote for the Legislative Council, however the Government has not asked the Committee to consider whether electoral equality should be achieved, or whether it is necessary.

The PGA holds that the most fundamental democratic principle of all is that members elected to the Parliament should genuinely reflect the voting intention of the electorate. Equality of representation is fully realised in an electoral system by proportional representation, giving every political party or group representation proportional to its vote.

However the PGA notes that even in the Legislative Assembly, equal representation according to votes cast does not occur. As a result, any demand for electoral equality would translate into support from the Government for proportional representation in the Legislative Assembly, as well as the Legislative Council. However there is no popular demand for this change.

In addition, equality in voting as defined under one vote one value, calls for all electoral divisions within Parliament to have the same number of enrolled voters within a defined geographical area.

Yet due to the dynamic nature of the electoral roll, this is impossible to achieve, as voting numbers in each division cannot be identical.

This is especially true in the Legislative Council, where fewer votes are needed to elect a member in the rural regional and non-metropolitan regions than in the metropolitan regions.

Malapportionment is the creation of electoral districts with divergent ratios of voters to representatives. However malapportionment is not contrary to democratic principles, and is accepted and constitutionally enshrined in the Australian federal system, specifically in the Senate.

Regional Context

The great majority of Western Australian voters are metropolitan, with little or no understanding of the challenges faced by those who live and work in the regional and remote WA.

The Government's proposed one vote one value will reduce the number of elected members in the non-metropolitan regions of the Legislative Council, leading to fewer members of Parliament who understand the challenges of working and living in the regions, including accessing affordable quality education, proper health and aged care, as well as reliable internet and mobile accessibility.

Limiting regional representation in the Legislative Council will mean that the interests of farming and pastoral producers will be treated with little regard by policy makers, which will lead to the demise of regional Western Australia.

Yours sincerely

Tony Seabrook
PGA President