

MINISTERIAL EXPERT COMMITTEE ON ELECTORAL REFORM (UPPER HOUSE REVIEW)

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A2 Sunday Times 9/5/21 by Ben Harvey

A3 West Australian 3/5/21 by the AG John Quigley

A4 West Australian 6/5/21 by Peter law

A5 Post 29/5/21 – Caddy Wants to change council.

Prepared By; Jim Bivoltsis

Independent Candidate Churchlands 2021 State election

7 June 2021

1.0 INTRODUCTION

There are factors that need to be considered that relate to and impact the terms of reference. This paper discusses these factors and suggest the committee consider these as a background to the formation of the final recommendation.

2.0 GUIDELINES

Recommendations have been put forward with the following guidelines.

PURPOSE- Why it exists? Does it have value? Applying this to the UH , does it have a purpose today? If the UH is the house of review, then it does need to be independent and away from the party lines. Today it just seems to be a clone of the LH. There is a view that it should be closed. These views are formed on the basis that there is no value. Refer A 1 an example of this view

SIMPLICITY- Should aim to be straight forward to implement as simple as possible. For example the current quota system has a two stage formulae process to arrive at a result.

COSTS- Should not add to the current costs. For example, increasing the UH members would do this. The aim should be to reduce the costs to the public purse and simplify the administration.

As a general comment consideration needs to be given to the “tree of government” in Australia.

Including the British Monarchy there are 8 levels.

1. GOVERNOR GENERAL (GG)
2. SENATE (President)
3. HOUSE OF REPRESENTATIVES (PM)
4. STATE GOVERNOR GENERAL (GG)
5. STATE UPPER HOUSE(UH) (except QLD and the 2 territories)- (President)
6. STATE LOWER HOUSE(LH)(Premier)
7. LOCAL COUNCIL- (Mayor)

This tree should be reduced to bring an efficient and less costly government structure. The Australian population is approx. 25M and the Q must be asked “are we over governed”?

The LH and UH system developed in a time when the current sophisticated level of communication and technology did not exist. Today we have seen this model of UH and LH move to a point where they both appear very similar and duplicate the process.

For example, the GG in each state could close and the Australian GG undertake the duties (whatever they are? – they appear more ceremonial) as required for the state. With the 6 states this streamlines the government process and cost to the tax payer.

The Senate provides a upper chamber for Australia. To also have a UH at State level appears be a duplication. QLD has managed since 23/5/1922 without the UH.

Appreciate not in the scope of the TOR but the committee should consider a case for the closure of the UH in WA.

ADMINISTRATION- The voting system to be easily undertaken by the voters. Simple and easy in addition the prior preparation and post voting counting to be administered with minimal work. Consideration needs to be given to utilising technology.

COMMUNICATION - Is the purpose and operation clearly articulated to the public in all sectors within WA? Should a survey be undertaken of the role and operation of the UH – What would be the results?

IMPACT- Need to consider the future impact of the decision made today. Will the change produce the desired outcome with no further concerns /issues arising? For example. There were changes in 2008 to the UH. At the time it appears no consideration was given to the future impact and the issues that may unravel. Were what if scenarios undertaken? . Likely not. Passed thru parliament in the belief of working towards one vote one value.

Refer to A 2 - Reviews and comments on the approach by then AG McGinity.

Pubic funding is another example that appears a lack of consideration to the future impact when this was introduced. This paper will declare its position, public funding should cease. It favours the larger parties who gain the majority of votes. It only increases resources to those already with a high number of votes. "It makes the rich richer."

Year effective	\$ rate	comment
1/7/2020 current	1.96699	CPI Annually adjusted 1 July
February 2005 date introduced	1.28	First year commenced

Table 1- How the rate has increased over 16 years. 53% increase.

State Elections	Voters registered
March 2021	1,716,732
February 2005	1,259,262

Table 2- The increase in voters from 2005 to 2021.

Since commencement 1/2/2005 the rate has increased from \$1.28 to \$1.96699 - a \$0.68699 or 53% increase due to CPI. Table 2 shows the population increase.

Long term this will continue to increase due to CPI and population growth

When these changes were introduced by the then Labor Government, the Attorney General Mr McGinty provided the following reasons for public funding.

"Public funding of candidates will particularly lessen the financial burden on small parties and independents, who at present can be hindered from participating in the election process," Mr McGinty said.

"It will also provide a level of equality by ensuring candidates are not simply elected because they have sums of money to spend on campaigning and advertising."

What has occurred in the space of 16 years is:

- An increase in the rate
- An increase in the number of voters
- The 4 % minimum first preference vote has in effect stopped small parties/individuals nominating
- Double dipping by parties from the lower and upper house.
- The 2021 state election due to the high labor vote, they will benefit far more than the other parties.

This adds to a growing public purse expenditure and not producing a fairer funding system.

Mr McGinty's supporting reasons although sound logical and fair have beneath them a very different outcome that has occurred, reduced democracy.

If this line of supporting comments by the current AG are in same vain the conclusion is an outcome far from what the message in the comments. The impact needs to be reviewed very carefully. Refer to A3 where the current AG is putting forward a similar line of argument to McGinty.

The answer is very simple. Close public funding and introduce real time donation register. Parties /individuals have 48 hours to record donations on a register with the WAEC to be visible to the public.

3.0 THE EXPERT COMMITTEE

The panel is weighted towards persons with a legal and academic background. This not a criticism of the individuals appointed, a note that this weighting exists. Refer A4 the article by Peter Law that comments on the composition of the committee. The members will have their own views and bias.

Members are;

Hon. Malcolm McCusker QC AO

Professor John Phillipmore

Professor Martin Drum

Dr Sarah Murray

4.0 TERMS OF REFERENCE (TOR)

Whereas

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;

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;

COMMENT

These statistics are taken at a point in time- at one election. To draw a conclusion that shows a consistent pattern / trend, the statistics should be taken over a period of time. The 2017 election produced a different outcome and previous elections had a different outcome.

These statements present a position that allows a person the basis to introduce change to a view they hold. Conclusion on the statements SO WHAT! Next election very likely will produce a different set of results.

The 2021 election statistics can be viewed and interpreted from a viewpoint that supports a view /opinion. These statements appear to present a picture that something is wrong? It is only wrong if the outcome does not suit the people in power.

Let's consider other results from the 2021 UH and LH election results.

Mining and Pastoral Region – Sahanna, Labor with 23 first preference votes, lower than Field Labor wins a spot. And lower votes than Tucker, Daylight Saving Party 95 votes.

North Metro Region - Caddy, labor is elected on 155 first preference votes, yet Martin with 550 first preference votes, more than the others except Yang does not win a spot. On the basis of 155 votes Caddy is now in a position to express a personal viewpoint. Refer A 5. A view that was silent during the election campaign.

North Metro Region - Mischin Liberal with 263 first preference votes higher than all except Collier Liberal does not win a spot but Sibma Liberal does with 136 first preference votes?

LH House of government - seat of Churchlands- L'Estrange with 43.93% or 11,087 first preference votes compared to Tonkin with 39.38% or 9,938 , but Tonkin wins on preferences, Tonkin 50.81% or 12,821 votes to L'Estrange 49.19% or 12,413 votes.

LH House of Government 2021 state result -The WA State election resulted with Labor securing 90% of the seats with only 62% of the first preference votes.

Yes, the rational comment can be- but these syatixtocs ignore the group voting and party vote. The comment is simple- the party /group vote in the UH is becoming now just a reflection of the LH vote and the purpose of the UH review role just morphed into the LH government

Table 3 - UH 2021 WA State Election result by party after preferences.

	Result						Total/Region
	Party						
REGION	Lib	Lab	Nat	G rn	DSP	Cana bis	
Pastoral	1	4			1		6
Agricultural	1	3	2				6
East Metro	1	4				1	6
North Metro	2	4					6
South Metro	1	4		1			6
South West	1	3	1			1	6
Total	7	22	3	1	1	2	36
Votes%	19%	61%	8%	3%	3%	6%	100%

Notes- Lib – Liberal Party, Lab = Labor party, Nat-= national party, Grn = Greens party, DSP= daylight saving party, Cannabis – cannabis party,

FIRST STAGE FORMULAE APPLIED TO THE FIRST PREFERENCE VOTES

No of formal Votes +1 = quota

No of MLC to be elected +1

SECOND STAGE FORMULAE APPLIED TO THE SURPLUS VOTES- transfer value

Transfer value = No of Surplus votes X existing Transfer value

Total value

The final result for the UH is reflective of the voting pattern, however the result for the LH is not reflective of the voting voting pattern.

Our current voting system is based on the Westminster parliamentary system where a 50% plus 1 majority is required by using the preferential voting. But this does distort the voting pattern. The Q is in the house of government the peoples voice needs to be represented and not distorted. If a UH exists and the purpose is a house of review with an objective to ensure the region/state interests are also considered then a one vote one value system does not seem appropriate.

The senate allocates an equal number of seats per state (except NT and ACT) regardless of population. Refer to table 4. Should the one vote one value be adopted at the senate level this would produce a position where the larger states would dominant the senate and alienate the states with less population.

In WA if the UH was solely on population numbers this would alienate the people living in 80% of the land aea. An interesting Q in the West Australian 7/6/21 WA Day is that if WA were a country would it be in the top 10 of countries based on size in the world. True or false? A True.

Table 4 Senate seats

State	No of Voters	Senate seats allocated	% of total	Seats won based on % of votes
NSW	5,294,468	12	32.245	20
VIC	4,184,076	12	25.482	16
QLD	3,262,898	12	19.872	13
WA	1,646,262	12	10.026	6
SA	1,210,817	12	7.374	5
TAS	385,816	12	2.35	2
NT	295,847	2	1.802	2
ACT	139,359	2	0.849	0
TOTAL = 8	16,419,543	64	100	64

From the 2021 State election results, if only first preference votes considered at a state wide level for the LH the distribution of members by parties would be distributed in line with the voting pattern and represent a more accurate position for the state by the people in the house of government. Refer to Table 5.

Table 5 - 2021 WA State Election LH seats current VS First Preference only

PARTY	No Of Votes	Seats won	% of vote	seats won on % of vote	Seats Final
WA LABOR	846,116	53	59.92	35.352	35
LIBERAL PARTY	300,796	2	21.3	12.57	13
GREENS	97,713		6.92	4.08	4
NATIONALS	56,448	4	4.00	2.36	2
NO MANDDDOTORY VAC	23,178		1.64	0.97	1
AUST CHRISTIANS	20,869		1.48	0.87	1
ONE NATION	17,824		1.26	0.74	1
INDEPENDENT	11,328		0.08	0.47	1
SHOOTERS	9,669		0.07	0.41	1
WAEXIT	7,984		0.06	0.354	
LIB DEMOCARACTS	7,159		0.05	0.29	
WA PARTY	5,276		0.04		
LEGALISE CANNABIS	4,996		0.04		
SUSTAIN AUST PTY	1,356		0.01		
LIB CLIMATE	552		0.00		
SOCIALISST ALLINACE	726		0.00		
TOTAL	1,411,990	59 Majority is 30	96.87	58.466	59

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.

Recommendations are requested, but the TOR and the nature of these two statements are leading and restrictive that appear to be working towards recommendations to a pre-determined outcome.

The TOR are prepared in isolation, one aspect of the total election process and in one point of time. The outcome of past elections has produced different results.

To apply the equity level standard- the TOR need to review past elections to arrive at trends over time to warrant a change. Not just a selective piece and one result that is then generalised as needing reform.

CONFLICT OF INTERESTS

There are 17 members of the WA Cabinet. 14 from the LH and 3 from the UH or 18%. These members form part of cabinet deciding on legislation. When the legislation is before the UP, supposedly being reviewed 3 members already have been a part of the process to approve the legislation as part of government then also reviewing the legislation. It just does not make sense. This is a conflict of interest/roles. One can further conclude that by being on cabinet discussions they have "insider trading" information that is not available to the UH members reviewing the legalisation.

Conclusion – the UH is a review house with members not part of government decisions. Otherwise, no independence.

HOUSE OF GOVERNMENT VS HOUSE OF REVIEW

The LH is where the government is elected. The UH is referred to as the house of review, (Refer A 3). This is agreed by all parties, readings and commentary. This difference alone signals that the process to elect members to the UH need to be on a different basis and consider factors outside of population numbers.

THE ONE VOTE ONE VALUE PROPOSITION

This is a theme the labor party in particular have publicly pushed. To some degree also advocated by Greens and minor parties. This assumes our society has equality to all. If this was the case then the one vote one value proposition is logical. However how society is not equal, outside of the political arena examples exists where people for whatever reason are not equal and measures put in place to bridge that gap to give people a sense of equal treatment.

EXAMPLES

Social services. – why one person should receive benefits and others not

Taxation system – we all should be taxed at the same rate

Tavel- we should all travel in the one class.

Housing- all house should be at the same price. All house should only have 3 bedrooms and 1 bathroom.

These may seem silly examples But to the people living in remote locations and those with limited resources these examples are very real topics of conversation.

One vote one vote can be viewed simply as a catch cry – that on the surface seems logical – but has a political strategy for a group or groups to be able to achieve higher votes. It must be seen for what it is.

For example, the Mining and Pastoral region has an area of 2,205,282 km² while the North Metropolitan region area is 918 km². The current regions do recognise that there are differences and the current system attempts to bring a check and balance. The one vote one value approach is not appropriate for the UH as the house of review. The current system attempts to give an equal say to areas in the State that do not have the population but do contribute and are a vital part of the total WA State welfare.

Another examples in our current system that has attempted to bring a sense of equality in an inequality society is the Senate Refer to Table 4. If based on the principal of one vote one value then the larger populated states. will always dominated lower populated areas.

The senate until 1971 had members seated by state, then this changed to be seated by political groups. All this has done is reduced the original purpose of the senate the house of review by the state and cloned on the LH. The Q then arises what is the point of the Senate if they do not represent their state interests?

5.0 RECOMMENADATIONS

1. Close the UH

Preferred option is to close the UH. Over time the UH has melded into another government house or an extension of the LH. It has lost its core purpose of review and representing areas with lower population. Closing the UH will cease the cost and debate. It closes the file.

Should this option be recommended and accepted, to provide for a system that is closer linked to the voting pattern suggest the LH be reviewed to reflect the voting pattern of the people.

2. The UH Is not closed.

The following are recommended that acknowledge the UH is not the house of government and within the guidelines noted earlier. The aim is to bring a simple, transparent voting system that allows democracy with minimal manipulation by parties using a preferential system. a little change to.

- Maintain the six regions six elected members per region. Given the vast size of WA and population centralisation to the coastal/South West areas it will allow the other parts of the state to not feel disenfranchised.
- A maximum of only 6 crosses, ticks or whatever mark. If greater than 6 the ballot paper is invalid. The top six are elected. If a person leaves mid-term the 7th highest is elected and so on. It is suggested to maintain this grouping. Simply a voter numbers up to six candidates. There is no ranking. Top six in each region win
- First preference votes only based on the highest to the lowest vote for each candidate. The UH is a house of review not government.
- Cease preferential voting for the UH .Only first preferences count, thus removes entirely the preferential system and possibility to abuse by “deals” being done. Voters can choose up to 6 candidates from 1 to 6. They can be from one party group or mix and match between groups.

- Each candidate prepares, say, a 500-word profile and submits it to the WAEC. This is on the website for all to review. Plus, copies made available in public places eg Libraries, Shire offices for those unable to use/have access to the internet.
- Each party may submit a maximum of four candidacies. This caps a party's members and allows for diversity with other parties/individuals. By limiting the group/party to a field to 4 will reduce the outcome of a party/group having total dominance. The maximum a group could achieve is 24 members.
- In the chamber, each of the elected people sit in groups by the region. Not by party. Cease maiden speeches, these are for the house of government.
- The 6 in each region work from the same building in that region. Not spread out by a party colour brand that is an excuse to promote a particular party. Keep to the purpose they are there to review not govern.
- All correspondence and office branding to use the upper house chamber colour code.
- Cease public funding for elected members to the UH. Avoids the current duplication and a back door for parties to gain additional public funding. Ceases double dipping.
- Ministers to be drawn from the LH – the house of government not the house of review.
- The presidential role to be assumed by the State GG, or in their absence the highest-level legal person.
- Being a house for Review the role is to determine legislation that is in the best interests for all West Australians with each region also having a layer of review for their own region. The UH has the option to form sub committees from outside house for a given task of review. However, it must be accepted that regions have an equal voice of members regardless of population, area size and or contribution of wealth to the state.

6.0 SUMMARY and CONCLUSION

"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;

Summary.

Maintain current 6 regions, introduce voting 1 to 6 , cap a group to 4 candidates. Rank highest to lowest. Top 6 win a spot.

AND

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

Summary

Maintain the current 6 regions with each region 6 elected members. Cease preferential voting. Highest to the lowest. Max 6 candidates voted in the region.

The TOR are constructed in a way that restrict examining the surrounding issues. This paper has attempted to discuss the wider issues and not simply one event in a point of time. It needs to be accepted that the world we live in today is not the world when these systems were introduced and accepting that the core spirit is the same the welfare of all people recognising individual differences.

The end result may be no change to the UH given the members elected represent the voting pattern but a closer look at the LH given the voting pattern does not represent the outcome from the 2021 election.

A1.

EXTRA 129

Do we even need it?

WA Attorney-General and Electoral Affairs Minister John Quigley says that it is time now to look at what West Australians want for their electoral system in 2021 (*Opinion*, 3/5).

He further tells us that a newly elected member to the Legislative Council will reap an annual salary of over \$200,000.

To put that into some perspective, that would be some 20 per cent more than the principal of a senior high school who could be responsible for 2000 students, 150 teachers and 50 non-teaching staff, manage a multimillion-dollar budget and be answerable to the parents of those students.

The Government's response to Quigley's statement is to set up a committee to try to achieve electoral equality for the election of members to the council.

What the Government should be doing is investigating what value the people of Western Australia are getting from these 26 people on salaries of \$200,000, plus all the associated costs to support such a place.

Make this report available to the public so that a proper debate can be had on whether or not West Australians even need or want such an institution.

D. H. Phillips, White Gum Valley

WEST. AUSTRALIA

SAT. 8/5/21. Letter to the editor

BEN HARVEY

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AGENDA DRIVEN

Both sides are showing hypocrisy in fight

THERE'S a quaint tradition in Parliament that you never accuse a fellow MP of lying. You say they are propagating "untruths".

I assume it's a protocol that can be traced back centuries to England and was dreamt up by the same people who thought Usher of the Black Rod was a cool title.

I am not an MP and I am not in a chamber of Parliament when I write this so I have no hesitation in accusing Mark McGowan of telling a lie on February 25 when he faced off against Zak Kirkup during the televised election debate.

"It's not on the agenda," he answered when asked whether he intended to change the way the Upper House was elected.

We were all mesmerised that night by how efficiently the Premier was mopping the floor with Kirkup (it wasn't Zak's fault; it was way past his bedtime) so we didn't pay much attention to his pledge.

A few weeks later, the Premier's legal boomer boy (and slayer of rotund billionaires) John Quigley announced a "review" into the Upper House electoral system.

The Premier lied because he knows electoral reform has been on Labor's agenda every day since 1907, when the Electoral Act gave voters in rural seats disproportionate representation. In the recent State election that law meant the 10,993 voters in the North West Central electorate got the same voice in Parliament (that is, one MP) as the 32,711 voters in Quigley's seat of Butler.

The Premier tried to cover his bases by saying the review was launched because Daylight Saving Party candidate Wilson Tucker got into the Upper House despite winning 98 first-preference votes.

That's crap. Yes, preference harvesting is rank and should be tackled. But in this instance it's a stalking horse for McGowan's ultimate goal of being the person who achieved Labor's dream of ensuring every seat has about the same number of voters in it.

Quigley made a compelling argument for change in a recent opinion piece in *The West Australian*.

He didn't get to the heights of Paul Keating's "unrepresentative swill" line but he got his point across.

"Unlike in the Legislative Assembly, where electoral boundaries are adjusted each term to ensure there's a relatively even number of electors, the Legislative Council is divided into six geographical regions," Quigley said.

"Despite their unequal populations, each region elects six Legislative Councillors. At the last election, this

meant that votes cast by people in the Mining and Pastoral Region were worth 6.22 times more than those cast in the metropolitan area."

All that's true. But...

What the history books tell you about voting reform

To understand how we got into this predicament you need to know a bit about Labor elder Jim McGinty.

For years Jim had a particular angry bee in his bonnet about one vote, one value reform.

In 1974, 25-year-old Jim probably gnashed his teeth when the Liberal member for Murchison-Eyre, Peter Coyne, won 1022 votes to get into Parliament while in Morley, Labor's Arthur Tonkin needed 9570 to secure his seat.

Murchison-Eyre's electors had nine times the political power of Morley's.

Such maths continued grinding Jim's gears to the point that in 1995 he pulled a Dale Kerrigan and went to the High Court.

Maybe Jim should have taken a leaf out of the Dennis Denuto playbook and told the judges that "it's the vibe" because he failed to convince them to change the system.

Six years after returning from

Canberra empty handed, Jim became WA's first law officer when Geoff Gallop ousted Richard Court.

The new attorney-general wasted no time in righting what he saw as an historical wrong.

He got one vote, one value legislation through Parliament, but in 2003 found himself in the High Court (again), this time defending the way the laws were passed.

The High Court ruled against him (again) and Jim was left to lament that it would be "100 years" before voting equality was achieved in WA.

This turned out to be an exceptional case of under-promising and over-delivering because two years later he successfully passed laws that meant

all Lower House electorates other than the remote Mining and Pastoral region would have the same number of voters.

What John Quigley isn't telling you

Here's the bit of legislative history that Quigley doesn't go on

about. To get the laws through, Jim did a deal with the Greens under which the number of seats in the Legislative Council would jump from 34 to 36, with each region having six members regardless of population.

True equality came to most of the Lower House but in the Upper House the very regional gerrymander that the current Labor AG is railing against became entrenched by the actions of his own tribe.

Opposition Leader Mia Davies, a Nationals WA MP, pictured right, has the most to lose if the country's voting power is diluted so it's understandable that she is particularly vocal.

But it's a bit surprising the Libs, who also benefit from maleapportionment, aren't making more noise.

Or is it?

What David Honey hopes you will forget

Back in 2005 it wasn't just the Greens who did the electoral deal with Labor; it was Liberal Leader David Honey's own party.

After being dropped to

the unwinnable fourth spot on the Liberal ticket, Upper House Lib Alan Cadby crossed the floor and gave the second Gallop government the one vote it needed to introduce the legislation that rewrote the electoral map.

So the Libs sided with their mortal enemies in Labor to create a system that screwed over their natural coalition partners, the Nationals.

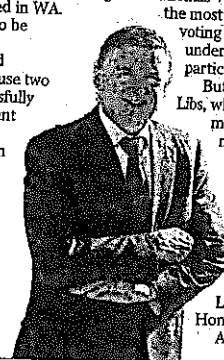
In 2005 the Nats said the Cadby-enabled changes created a system that was grossly unfair to country folk and would spell annihilation for the WA Nationals.

The same year, Labor trumpeted them as a win for democracy.

Fast forward 16 years.

Labor now says the system it created is an affront to democracy.

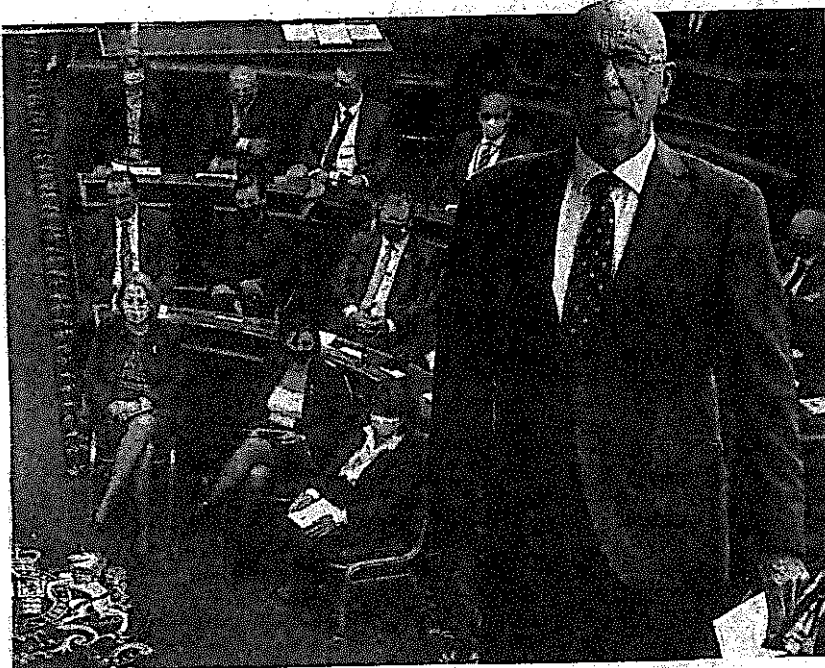
The Nats (having avoided annihilation courtesy of Brendon Grylls' royalties for regions campaign) now says the system it fought tooth-and-nail to kill off, is good for democracy. The Libs are keeping quiet, perhaps because they know they have a better chance than their frenemies in the Nats at picking at some of the extra city seats one vote, one value will create. Who says politicians are hypocrites?



“If a bunch of journos in the city don't show up for work one day the nation watches Netflix; if port workers in the Pilbara don't show up the country goes broke.”

BY EGOTISTS

over voting in the Upper House



Why Quigley's op-ed nearly made me spew

I think Jim McGinty was a good politician. He currently sits on the Independent Media Council and rules on complaints about me, so I would say I liked him even if I didn't. But I do.

I also think John Quigley is doing a splendid job as Attorney-General.

I wanted him in the job for two selfish, journalistic reasons. First, he can't keep his trap shut. Second, he is so unpredictable he could have pushed to change the constitution to enshrine casual-dress Fridays.

He has taken his job far too seriously for my liking, which is bad for journalism, but good for government.

Having said that, Jim and John are both utterly full of crap when they make electoral reform out to be a pure, moral crusade for voting equality.

For Labor, it's as much crusade for votes.

Equalising electorate populations would require more seats in the city and fewer in the country and instant coffee drinkers in the bush are more conservative

than almond milk, flat white sippers in the 'burbs.

One vote, one value benefits Labor. Quigley's push is as cynical and self-serving as politics gets, which is why when he ended his opinion piece in *The West* with the line "the Parliament does not belong to politicians like me. It belongs to you, the people" I nearly spewed in the rubbish bin under my desk.

Why Malcolm's in the middle

The only thing more nauseating than that sentence about who owns the Parliament was this line: "I am very grateful that one of our most respected and learned citizens, former governor Malcolm McCusker, has agreed to chair the committee."

I'm not about to criticise Malcolm McCusker, pictured left. He is our version of David Attenborough.

There's no doubt he will deliver a considered, logical

report. Plus he has the added benefit of being alive when the original Act was passed in 1907.

Kidding. Just.

But it's got to be said that Quigley and Malcolm are more than casual acquaintances. John's chunder-inducing press release about Malcolm should really have read "one of our most respected and learned citizens and my friend".

Does anyone seriously think Quigley appointed this bloke without knowing what his thoughts on one vote, one value were?

What Mark McGowan isn't telling you

The Australian Parliament's house of review, the national equivalent of the WA Parliament's Legislative Council, is the Senate.

Every State, regardless of its population, has the same number of Senators: 12.

If you asked the Premier whether he believes WA (1,669,646 voters at the

last Federal election) should have fewer Senators than NSW (5,322,014 voters at the last Federal election), he would say "hell no".

He would argue with self-righteous eloquence that as the nation's economic powerhouse, WA deserves as many seats at the table as the more populous States.

He would thunder that equal representation in the Senate was an important check against the tyranny of the majority in the House of Representatives (the national version of WA's Legislative Assembly).

Quite right.

So why is malapportionment a virtue in the national Upper House but a vice in the State Upper House?

What I'm telling you

I don't like a boofhead from Dampier having more voting clout than me. But I am mindful that that boofhead probably has more of a hand in the economic security of this country than I do.

If a bunch of journos in the city don't show up for work one day the nation watches Netflix; if port workers in the Pilbara don't show up the country goes broke.

You are going to hear the Nationals bang on about how equalising voting populations in each electorate will see regional seats become geographically bigger than some European countries.

It was a valid point in the age of horse and cart; less so in the age of Zoom.

How often have you driven to your MP's office? Or met them? Do you even know their name?

Why do people in the country reckon they should be able to have a steak sandwich and a pony at the pub with their local polmie any time they wish?

They can't see their local MP in person because they are too far away; I can't see mine because there are 32,096 other voters in my electorate (Perth) waiting in line.

Both sides of politics in this debate are motivated by self-interest, not a deep-seated concern for the mechanics of our democracy. They should pay us some respect by being a little more honest about that.

I don't know the answer to this one. But I think it's worth giving the last word to Pastoralists and Graziers Association boss Tony Seabrook (an International Roast drinker if ever there was one): "The Premier would be wise to remember that written on Parliament House are the words *Parliament of Western Australia*, not *Parliament of Perth*".



Why equality gets my vote

JOHN QUIGLEY



When voters in the Mining and Pastoral region numbered their ballot papers at the recent State election, they probably took little notice of the Daylight Saving Party or its candidate, Wilson Tucker.

After all, the party's apparent single-issue reason for existence doesn't have a lot of support in those parts, where the 2009 referendum on daylight saving was soundly rejected by voters there.

And apart from having a name very similar to longtime Liberal MP Wilson "Ironbar" Tuckey, the candidate had no political track record to speak of.

In fact, he was living and working in Seattle in the US — a long way from the local issues in the electorate.

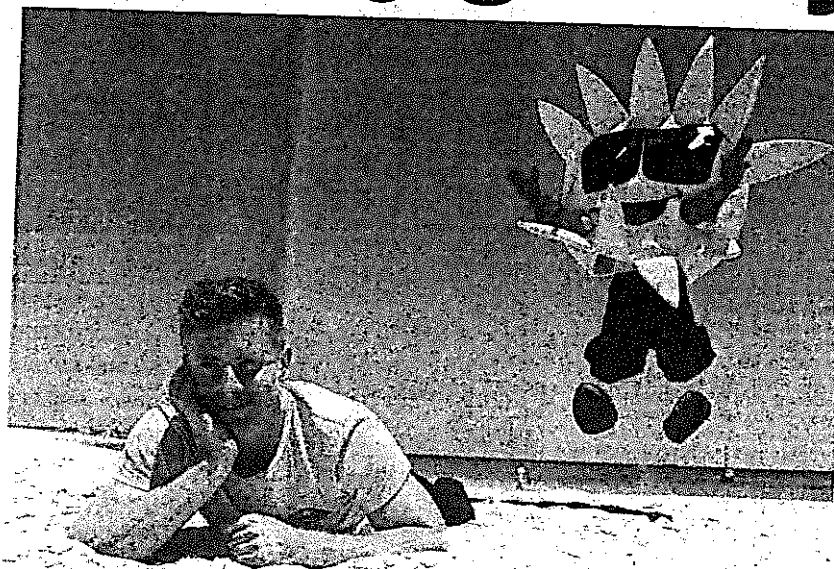
So it was not surprising that Mr Tucker managed only 98 first-preference votes on election day.

What has shocked political observers and led to a public outcry for electoral reform is that with the help of a trick known as "preference harvesting", Mr Tucker will spend the next four years sitting in the Legislative Council.

As WA's Minister for Electoral Affairs, I last week appointed an expert committee to advise me on how to reform voting for the Council, which is sometimes known as the Upper House, or House of Review.

There are no plans to change the system of voting in the Legislative Assembly, or Lower House, where each member represents a district and those in regional areas are given a weighting so that large electorates can be well served by their MP.

For example, my electorate of Butler in the northern suburbs



Wilson Tucker during his daylight saving campaign in 2016. Picture: Ian Munro

All other States have removed this gross inequality from their electoral systems

of Perth had the most electors of any district this election (32,711 voters), compared with the geographically larger electorate of North West Central (10,993), which had the lowest number of electors of any district.

That means a vote weighting of almost 3:1 — but we are not seeking to change this.

I am very grateful that one of our most respected and learned citizens, former governor Malcolm McCusker, has agreed to chair the committee.

The Electoral Act dates back

to 1907, when eligibility to vote was restricted to being a male land owner. Thankfully, our system has been modified and adjusted over time.

As we all know, many decades passed before women were entitled to vote, and even more time before our First Nations people were belatedly enfranchised.

It is time now to look at what West Australians want for their electoral system in 2021.

We know we don't want a repeat of the shock election of Mr Tucker, who will reap in a \$203,080-plus salary as an insult to most people in the Mining and Pastoral Region, and to our system of democracy.

Election analyst Antony Green said it showed the ticket voting system in WA was broken.

"Elected as a Daylight Saving Party MLC from Mining and Pastoral Region, despite polling only 98 votes, and he doesn't actually currently live in the

State. You couldn't get a better case of what's wrong with group voting tickets," Green stated.

This result is believed to be the lowest primary vote for any successful candidate for election to any Parliament in Australia.

In contrast, the Greens in the North Metropolitan Region received 27,077 first-preference votes, but did not win a seat.

In the Agricultural Region, the Nationals received 22,999 votes and won two seats, while in the South Metropolitan Region, the Liberal Party received 67,000 votes but won only one seat.

When you attended a voting booth or filled in a postal paper in the recent State election, did you realise that your ballot might have been worth one-sixth of another West Australian, just because of your postcode?

Our current outdated system also discriminates against

country folk and boosts the stocks of others, seemingly without rhyme or reason.

A vote in Kalgoorlie is worth 3.48 times more than the value of a vote in Albany, and 1.48 times more than Esperance.

Unlike in the Legislative Assembly, where electoral boundaries are adjusted each term to ensure there's a relatively even number of electors, the Legislative Council is divided into six geographical regions.

Despite their unequal populations, each region elects six Legislative Councillors.

At the last election, this meant that votes cast by people in the Mining and Pastoral Region were worth 6.22 times more than those cast in the metropolitan area.

This malapportionment is predicted to get worse over time, and all other States have removed this gross inequality among citizens from their electoral systems, just as most have removed the group ticketing system that enabled the election of Mr Tucker.

The Ministerial Expert Committee on Electoral Reform will receive submissions over the next four weeks to try to achieve electoral equality for all citizens entitled to vote for the Legislative Council, and will report by the end of June.

The submissions will be considered by a panel that includes experts in public policy and constitutional law from three different WA universities.

Mr McCusker helped craft the Government's Voluntary Assisted Dying Act during the last term of Parliament, and I have great confidence that he will help us achieve a more equitable electoral system.

The Parliament does not belong to politicians like me. It belongs to you, the people.

I encourage everyone to have their say.

John Quigley is the WA Attorney-General and Electoral Affairs Minister

PAGE 13 OPINION

Now vote reform emerges

Premier said before poll that electoral issue wasn't on agenda



PETER LAW



McGowan said he couldn't have predicted Tucker's election. I'm not a mind reader, I'm not Nostradamus, he said.

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It's not on our agenda. That must have been the most repeated phrase Mark McGowan uttered on the election campaign trail, aside from the Labor slogan to "keep WA safe and strong".

The reason we heard it so often is because it was the Premier's carefully worded response when asked if his Government would pursue electoral reform of the Upper House in a second term.

Specifically, he was asked repeatedly whether Labor would overhaul the city-country weighting that means a vote cast in some parts of the bush are worth six votes in Perth.

This column is not about whether such rebalance of the voting system, which would see more metropolitan MPs at the expense of regional representation, is justified.

It's about McGowan not being honest with the people of WA about Labor's true intentions if the party won total control of Parliament. As he criss-crossed the State to win votes ahead of the poll, my colleagues and I repeatedly pressed him about this otherwise extremely unsexy topic.

We did so because changing the State's democratic process is an issue of such significance that it should be taken to the people first, as I argued on February 18. It was four days earlier that I first asked McGowan if he could guarantee Labor would not pursue electoral reform.

"It's not on our agenda. We've got issues to worry about, which include keeping the State safe and strong," the Premier replied, to which I pointed out the obvious — that's not ruling it out.

McGowan cited Labor's policy to cap political donations and improve transparency. He also flagged "at some point in the future" the Government

might abolish group voting tickets that help micro parties get elected.

I then got to the more controversial topic of whether he would seek to address the malapportionment that penalises Labor, but favours the Nationals and, to a lesser extent, the Liberals.

It was sensitive because the prospect of reducing regional representation could've cost Labor support at a time when it was campaigning to win the marginal seats of Kalgoorlie, Albany and Geraldton, as well as boost its vote in Upper House country regions to get total control of Parliament for the first time in the party's history.

"As I said, not on our agenda," came the reply from McGowan.

This was a line of enquiry we pursued at countless press conferences over the next four weeks. At one appearance in Albany, the Premier became so exasperated he described the issue as a "smokescreen" by the Liberals and Nationals.

I used

the final question of the televised leaders' debate to bring the subject to the attention of a wider audience, asking: "If you do get total control (of Parliament) will you ram through legislation to reform Upper House voting that currently favours regions?"

"It's not on our agenda and, secondly, we will always ensure that regional WA receives enhanced representation," McGowan told viewers as he stared down the barrel of the camera.

"But I just want to make the point, it's a democracy, people can vote and they shouldn't have these sort of scaremongering sort of ideas put forward. People can vote and, if in four years time they don't like the government they voted for, they can vote again."

Seven weeks have passed since Labor won a majority in both Houses and, despite a health system under extreme pressure and COVID-19 escaping from hotel quarantine twice in a fortnight, electoral reform is

at the top of the Government agenda.

Electoral Affairs Minister John Quigley last week appointed former governor Malcolm McCusker to chair an expert committee tasked with recommending how "electoral equality might be achieved for all citizens entitled to vote for the Legislative Council".

The panel includes three electoral and constitutional law experts in John Phillimore, Sarah Murray and Martin Drum. Opposition Leader Mia Davies yesterday suggested that with the exception of McCusker, the committee had been hand-picked to deliver the outcome the Government wants.

Davies cited a letter signed by Phillimore, Murray and Drum sent to MPs in 2019 that advocated "urgent" electoral reform, with the malapportionment number one on their list of priorities.

Quigley and McGowan are using the election of the Daylight Saving Party's Wilson Tucker with just 98 first-preference votes in the Mining and Pastoral region as justification for why reform is suddenly a priority post-election.

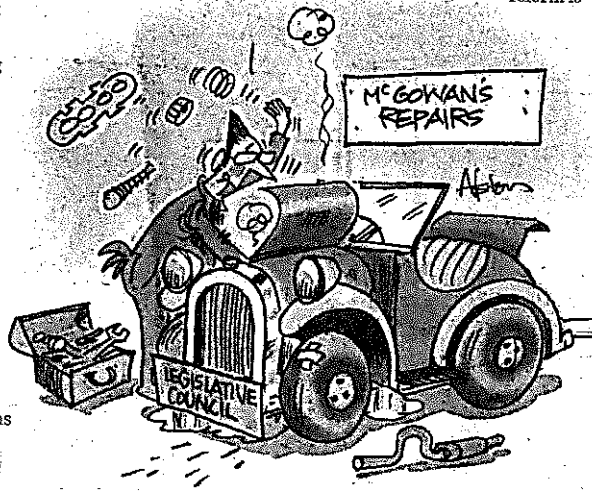
Asked why he had not been more upfront with the public, McGowan said he couldn't have predicted Tucker's election.

"I'm not a mind reader, I'm not Nostradamus," he said.

Quigley said Tucker's election, which was the result of a preference swap deal arranged by political consultant Glenn Druery, was "an affront to democracy".

Few would dispute that description, but I'd also argue politicians who mislead the public before an election are also guilty of harming trust in our democracy.

Peter Law is the
State Political Editor



A5.

POST, May 29, 2021 – Page 5

Caddy wants to change councils

By LLOYD GORMAN

Cambridge council is a "law unto itself" while Claremont is "highly functional", a new member of Parliament and former adviser to Premier Mark McGowan, Daniel Caddy, said this week.

In his maiden speech Mr Caddy, the new Member of the Legislative Council for the North Metro Region, said local government was in for a major shakeup.

"The system is broken and it has been for some time," he told the Upper House on Tuesday.

"Nowhere is this more evident than in the North Metropolitan Region that I now represent.

"It will come as no surprise to those who know me, but it is my firm belief, that the system of local government in this State is long overdue for a major overhaul."

Mr Caddy, who was elected with just 155 primary votes, said some councils in his electorate were "excellent".

Claremont was a highly functional council with an outstanding mayor and CEO, but others were not, he said.

"Over the past four years we have witnessed certain members of the former City of Perth, the Town of Cambridge, who genuinely believe they are a law unto themselves at the real expense of their ratepayers; and other tragedies that I will not detail in this place," he said.

Despite Subiaco being fresh out of a damaging government inquiry and scathing report, Mr Caddy did not name Subiaco council.

But he did refer to Subiaco mayor Penny Taylor, by her first name only and in terms of their personal relationship.

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Daniel Caddy

Caddy on councils

• From page 5

"You are the reason I do what I do," he said when talking about the "mainstays" in his life, including Ms Taylor.

"You inspire me and you are the people who keep it real."

Mr Caddy – son of WA Planning Commission chairman David Caddy – became emotional as he addressed his personal comments to the public gallery.

"Penny, you put up with me or, probably more accurately, without me during the campaign and I acknowledge that during the time we did get together, I was either tired or irritable or probably both," he said.

"You are truly wonderful.

"You are also one of the strongest women I have ever known.

"I am incredibly fortunate to have you as the other half of my life and I could not imagine sharing my life with a more amazing or compatible person."

But he referred to the resignation of Nedlands mayor Cilla de Lacy earlier this year as a concern.

He said Ms de Lacy was an "incredibly competent and capable woman" who stood down because of constant pressure, bullying and factionalism within Nedlands council and city.

"I will say it again: the system is broken," he said.

"The frequency at which issues are occurring, the factionalism and the concerning misbehaviour all contribute to undermining faith in the sector and the good work of those who are genuinely dedicated and professional staff and elected members."

Mr Caddy said he attended high school in Nedlands and was "the product of a western suburbs upbringing", influenced in his life by "very strong and incredible women".