

# Hon. Simon O'Brien

## **Submission to Ministerial Expert Committee on Electoral Reform**

Thank you for the opportunity to comment on the matters under your consideration.

Since the system of election based on Proportional and Regional representation for the Legislative Council was introduced, I have gained probably as much experience as anyone in the practicalities (and vagaries) of that system:

- a candidate in 1989 for an Assembly seat (“to assist the upper house team”),
- a candidate for South Metropolitan Region in 1993 when my ticket secured nine times the primary vote of the Greens (45% to 5%) and won 2 seats while the Greens won 1 seat, and
- I was returned at the 1997, 2001, 2005, 2009, 2013 and 2017 elections (for South Metropolitan Region).

I was Father of the House for the recent Parliament and coincidentally my Party’s spokesman for Electoral Affairs.

With those antecedents in mind, I was interested to hear of this Committee’s work and to read its discussion paper. I am not in a position to provide a detailed paper on these important matters at this time, but would like to offer the following for your consideration:

### **Electoral Equality**

There is a saying in politics “one man’s branch stacking is another man’s membership drive”. In like spirit, it is true the same electoral figures can be interpreted to produce quite divergent conclusions. No doubt the submissions you will receive and the public debate to follow will display plenty of that! Without dismissing it all as spin or self-interest I think it is important that all points of view receive and are seen to receive fair consideration; if that cannot be demonstrated, then the future of electoral reform will be tainted by allegations of improper motive – fairly or not – and the reputation of Parliament will suffer.

Equality can be measured in several ways. There are a variety of angles from which one may view the result of 1993 (see above) for example and the first, obvious interpretation may not be the correct one.

Electoral equality is seen by some as a one-dimensional question – how many voters are in each electorate, or how many votes are needed to get a member elected in one seat versus another (these are actually quite different questions) but there is more to it than that. When proportional representation and multi-member electorates are involved, there are a number of factors that need to be recognised. In my respectful view, the Discussion Paper errs in treating “number of votes to elect an MLC” as the sole criterion for equality. I would submit that there is a significant inequality which may arise when different electorates return differing numbers of electors (eg the 7vs5 situation pre 2009); there is further inequality which may occur through the manner of distribution of preferences.

In each of these areas mentioned, I do not believe the public discussion has been adequate and understanding of the implications quite incomplete.

The task confronting the Expert Committee is not as straightforward as some would think, but I take confidence from knowing that the members would be well aware there are many nuances to work through! In that spirit I hope these brief comments are of some assistance in identifying areas that would benefit from closer attention.

If the Expert Committee would like me to expand on these themes or draw on my practical experience in discussion, I am of course at your disposal.

Simon O'Brien