

1.0 Introduction

Thank you for the opportunity to contribute some ideas for your consideration of the reference given to you by the Attorney-General concerning the electoral system for the Legislative Council.

Before addressing some of the items which the Expert Committee is seeking views on, this brief submission sets out some principles for an electoral system in our state and draws attention to the existing system in the Legislative Assembly where there is already some recognition of the electors in remote and rural areas. Finally, the submission points to some practical matters related to the adoption of a single state wide proportional representation system.

2. Principles for an electoral system

Electoral laws in WA should be based on principles which sustain confidence in the process of elections and the results of elections.

The Commission on Government (1995) considered appropriate principles in its Discussion Paper, No. 3 and it is suggested that the Expert Committee review these. The Commission's points can be listed as:*

- Free, honest, regular and fair elections
- adequate representation of a wide variety of interests
- a simple voting system
- fairness between political parties
- effective government
- legitimacy.

At present, the process for election to the Legislative Council is not honest when group voting can be used to sideline the preferences of many voters and raise questions about the legitimacy of the outcome. While group voting provides for a simple system at one level, at another it confronts the voter with a significant challenge if they choose to vote below the line.

It is possible that group voting could lead to the election of candidates with a very low proportion of first preference votes. Should they then hold the balance of power, the legitimacy of the election might be called into question, particularly if quotas are low.

Adequate representation of a wide variety of interests can be achieved through a system of proportional representation.

3. Council and Assembly

Government is formed in the Legislative Assembly. The present system there provides for large district allowances so that seats over 100,000 sq km in area can have enrollments up to 10% above and 20% below the average district enrollment of Assembly seats. These provisions mean that there is some recognition for rural and remote representation in the Assembly. Does it need to be repeated in the Council? Does effective government mean majorities are necessary in both houses?

Governments in WA have worked without majorities in both houses in recent years and the Council's committee system has evolved steadily since the 1980s to strengthen its capacity to review bills, the activities of Ministers and their departments as well as deliberate on public policy issues.

It is suggested to the Expert Panel that this principle of effective government is already addressed in the system for elections to the Legislative

Assembly. Negotiations between the two houses are undertaken regularly to resolve disputes

4. Which model?

The single state-wide system of proportional representation satisfies the principles of fair elections, adequate representation of a wide variety of interests, fairness between political parties and legitimacy. However, it challenges the principle of simplicity.

There are an increasing number of candidates standing for election to the Council. There were 170 candidates in 2008 and 325 in 2021. How would a ballot paper be designed to offer electors a simple and clear system if they were to choose 36 candidates from a list likely to be over 300?

An alternative model? There are 10 regions in the state if the Perth Metropolitan Region is added to the Kimberley, the Pilbara, Gascoyne, the Mid-West, Peel, Great Southern, South West, Wheatbelt and Goldfields-Esperance. Could this structure be a base for an electoral system which meets many of the principles set out above?

Testing this question requires more research and up-to-date data than I have access to at present. An analysis completing the following steps using contemporary data would decide if it is practical:

Step 1: establish a quota for 36 seats based on a statewide equality of votes

Step 2: establish the proportion of the voting population in each of the 10 regions

Step 3: determine how many seats should be allocated to each region so that each region has the number of seats which match its share of the 36 available. (If some regions are entitled only to a part of a seat, the idea falls)

Step 4: apply proportional representation to each region

Step 5: if it might work, consider any consequent changes that might be needed - possibly to the boundary between Perth and Peel for example - or work that the Electoral Commission might need to do.

Step 6: dispose of the question and have a coffee.

* Cited in Harry C. J. Phillips *Proportional Representation in Western Australia: Its Principles, History, Outcomes and Education (2012)*
Western Australian Electoral Commission, 67-68 from Commission on Government Discussion Paper No 3, March 1995, 22.

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