

Flying Minute - Draft Submission to Ministerial Expert Committee on Electoral Reform (01-006-02-0010 TL)

By Tony Brown, Executive Manager Governance and Organisational Services and Tim Lane, Manager Strategy and Association Governance

That the draft submission to the Ministerial Expert Committee on Electoral Reform be endorsed.

RESOLUTION 203.FM/2021

CARRIED

Executive Summary

- The Minister for Electoral Affairs, Hon John Quigley MLA, has announced the formation of a Ministerial Expert Committee to take submissions and make recommendations to Government to reform the Legislative Council electoral system.
- To facilitate the development of a WALGA submission to the Ministerial Expert Committee, the WALGA President established a Policy Forum of State Councillors that met twice during May 2021.
- The Policy Forum:
 1. Considered a background paper and the Expert Committee's discussion paper,
 2. Discussed key issues with ABC Election Analyst, Antony Green,
 3. Considered a range of models, and
 4. Shaped the draft submission and the arguments presented therein.
- Following the Policy Forum's deliberative process, State Council considered a draft submission at a Special Meeting of State Council held on 2 June 2021.
- State Council resolved as follows;

That:

1. *the draft submission to the Ministerial Expert Committee on Electoral Reform be amended as follows:*
 - a. *remove pages 11 and 12*
 - b. *amend recommendation 3 to the following:*

That the Ministerial Expert Committee on Electoral Reform be required to consider the importance of political representation for rural and regional Western Australia.
 - c. *provide information regarding the importance of representation for Aboriginal communities.*
2. *the amended submission be considered by State Council by way of Flying Agenda/Minute.*

Attachments

- Draft Submission for State Council consideration

Background

Hon. John Quigley MLA, Attorney General; Minister for Electoral Affairs, announced on Friday, 30 April 2021 the establishment of a Ministerial Expert Committee to advise the Government on electoral reform.



The Committee's Terms of Reference are as follows:

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

- 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.*

State Council considered a draft submission at a Special Meeting of State Council held on 2 June 2021. State Council resolved to delete reference to a preferred model and keep the focus of the submission on the importance of rural and regional representation including political representation for remote Aboriginal communities.

Comment

Following the State Council deliberations summarised above, a draft submission is put forward for State Council consideration.

The submission contains the following sections:

- **Background** – including establishment of the panel and the State Council Policy Forum.
- **Group Ticket Voting** – recommending that group ticket voting be removed from the electoral system.
- **Whole State Electorate** – rejecting the option of electing the Legislative Council from an electorate comprising the whole state of WA.
- **Regional, Rural and Remote Representation** – arguing the importance of political representation, highlighting the increased role for Local Government if Parliamentary representation is reduced, pointing out the economic contribution of regional Western Australia, and noting lower levels of government services relative to more populous regions. Also noting that Aboriginal communities remain significantly disadvantaged in Regional Western Australia and removing or limiting access to Members of Parliament will have significant repercussions and does not achieve electoral equality.
- **Conclusion** – emphasising the importance of regional, rural and remote political representation, and restating the recommendations put forward in the submission.

The deadline for submissions to be received by the Ministerial Expert Committee is 5:00pm, Tuesday, 8 June 2021



FLYING MINUTE OUTCOME

Total invited to survey: 24

Total finished survey: 18

That the draft submission to the Ministerial Expert Committee on Electoral Reform be endorsed.

Endorse recommendation: 17

Endorse recommendation subject to comment below: 1

Do not endorse recommendation: 0

First Name	Last Name	Completed Date
Carol	Adams OAM	04/06/2021 at 8:59
Phillip	Blight	04/06/2021 at 14:31
Julie	Brown	06/06/2021 at 10:41
Ruth	Butterfield	Not completed
Karen	Chappel	04/06/2021 at 11:29
Cheryl	Cowell	Not completed
Malcolm	Cullen	04/06/2021 at 12:43
Frank	Cvitan	04/06/2021 at 11:26
Tony	Dean	03/06/2021 at 15:54
Catherine	Ehrhardt	Not completed
Russ	Fishwick	04/06/2021 at 10:11
Ronnie	Fleay	03/06/2021 at 21:34
Logan	Howlett JP	08/06/2021
Mark	Irwin	Not completed
Paul	Kelly	Not completed
Jenna	Ledgerwood	04/06/2021 at 12:53
Peter	Long	03/06/2021 at 18:03
Cate	McCullough	Not completed
Chris	Mitchell JP	04/06/2021 at 14:29
Les	Price	04/06/2021 at 9:46
Michelle	Rich	03/06/2021 at 22:07
Ken	Seymour	08/06/2021
Stephen	Strange	04/06/2021 at 10:14
Doug	Thompson	03/06/2021 at 21:02

Responses

Poll Created: 03/06/2021 at 13:09

(17) Endorse the submission: Stephen Strange (on: 04/06/2021 at 10:14), Les Price (on: 04/06/2021 at 9:46), Russ Fishwick JP (on: 04/06/2021 at 10:11), Karen Chappel (on: 04/06/2021 at 11:29), Michelle Rich (on: 03/06/2021 at 22:07), Carol Adams OAM (on: 04/06/2021 at 8:59), Tony Dean (on: 03/06/2021 at 15:54), Peter Long (on: 03/06/2021 at 18:03), Ronnie Fleay (on: 03/06/2021 at 21:34), Frank Cvitan (on: 04/06/2021 at 11:26), Malcolm Cullen (on: 04/06/2021 at 12:43), Jenna Ledgerwood (on: 04/06/2021 at 12:53), Phillip Blight (on: 04/06/2021 at 14:31), Chris Mitchell JP (on: 04/06/2021 at 14:29), Julie Brown (on: 06/06/2021 at 10:41), Ken Seymour (on: 08/06/2021), Logan Howlett JP (on: 08/06/2021)

(1) Endorse the submission subject to comment below: Doug Thompson (on: 03/06/2021 at 21:02)

(0) Do not endorse

Comments

Doug Thompson on 03/06/2021 at 21:02

I am not convinced by the arguments put forward under the Regional, Rural and Remote Representation commentary. I do not agree that the issue of "electoral equality" is contestable. I am of the view that some of the arguments put forward seem to me to be matters of opinion rather than based on sound evidence and anyway are issues not directly or only marginally associated with representation. However I am satisfied that the recommendations reflect a good consensus of opinion from State Council and recognise that my view of the commentary is probably in the minority. I am also aware as a membership organisation where the majority of our "members" are in regional and remote communities that the views put forward in the commentary probably reflect a view of a majority of those members. I will therefore endorse the submission.

Secretariat Comment

Cr Thompson's comment is noted.



Submission
**Ministerial Expert
Committee on
Electoral Reform**

June 2021

About WALGA

The Western Australian Local Government Association (WALGA or 'the Association') is the peak organisation for Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 137 mainland Local Governments in Western Australia, plus the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands.

The Association provides an essential voice for more than 1,200 Elected Members, more than 22,000 Local Government employees, and the 2.6 million constituents that they serve and represent. The Association also provides professional advice and offers services that provide financial benefits to Local Governments.

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Background

Establishment of Ministerial Panel

Hon. John Quigley MLA, Attorney General; Minister for Electoral Affairs, announced on Friday 30 April 2021 the [establishment of a Ministerial Expert Committee](#) to advise the Government on electoral reform.

Terms of Reference

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

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.

State Council Policy Forum

The WALGA President, Mayor Tracey Roberts, convened a Policy Forum to consider and develop a submission on the issues to be addressed by the Ministerial Panel's Terms of Reference:

Policy Forum Membership

The Policy Forum is comprised of the following State Councillors:

- Mayor Tracey Roberts
- President Cr Karen Chappel
- Mayor Carol Adams
- President Cr Phil Blight
- Cr Ronnie Fleay
- Mayor Albert Jacob
- Cr Les Price
- President Cr Michelle Rich
- President Cr Stephen Strange

The Policy Forum, supported by executive and senior WALGA staff, met on two occasions and deliberated extensively on the direction of this submission and the preferred model put forward for the Expert Committee's consideration.

Group Ticket Voting

The Minister has expressed an opinion that the group ticket voting system that enables micro-party candidates to be elected is not democratic.

Wilson Tucker, of the Daylight Savings Party, was elected to the Legislative Council with 98 first preference votes (which equates to less than 0.2 percent of valid votes) in the Mining and Pastoral Region.

Similar outcomes were observed in the Australian Senate prior to the 2016 election, which led to the changes to the Senate's voting method.

Senate Voting Reforms

Following recommendations from an Inquiry by the Joint Standing Committee on Electoral Matters into the 2013 Federal Election, group voting tickets were removed from the Senate voting system prior to the 2016 election.

The recommendation to remove group ticket voting was principally in response to the number of candidates elected from small and unknown parties.

Following the Senate reforms, voters are instructed to complete at six preferences above the line, or at least 12 preferences below the line. These reforms were in place for the 2016 full Senate (double dissolution) election, and the 2019 half Senate election.

Election analyst, Antony Green, argues the Senate reforms were successful in translating voter preferences into representatives elected:

“This analysis confirms that the new Senate system weights the allocation of final seats in favour of parties with the highest remainders on first preferences. This is not the same as advantaging parties with the highest first preference vote. After the allocation of seats to filled quotas, the remaining partial quotas of parties polling above a quota must compete with the initial partial quotas of parties that polled less than a quota on first preferences. Who wins the final seats is then a battle of preferences, with exhausted preferences and weak preferences flows favouring the party with the largest initial partial quota.

Group voting tickets permitted parties to trade preferences in the race to fill final seats. The new Senate system hands the power over between-party preferences back to voters. At the first two elections under the new Senate system, voters made very

different decisions on preferences compared to the complex group voting tickets previously lodged by parties.”¹

Recommended Approach in WA

Reform in WA should be undertaken to remove the group voting ticket from the Legislative Council voting system similar to the Senate reforms undertaken in 2016.

Practically, this would mean voters would be required to allocate preferences among parties above the line, or among candidates below the line, up to, at minimum, the number of vacant positions in the region or electoral district.

The aim of removing group ticket voting would be to make it much more difficult for micro-parties to have candidates successfully elected through “preference harvesting”. The 2016 Senate reforms demonstrated that the removal of group voting tickets had this effect at the 2016 full-Senate and 2019 half-Senate elections.

In addition, given the familiarity of the method of voting for the Senate, adopting electoral reform of this nature would be unlikely to significantly increase the rate of informal voting.

Recommendation 1

That Group Ticket Voting be removed from the Legislative Council electoral system, and reforms be adopted modelled on the Senate reforms of 2016.

¹ Green, A. 2019. *How the new Senate Electoral System Performed at its first Half-Senate test.* <https://antonygreen.com.au/how-the-new-senate-electoral-system-at-its-first-half-senate-election-test/>

Whole State Electorate

WALGA does not support the option of electing members of the Legislative Council from an electorate consisting of the entire state of Western Australia.

Concerns relating to political representation of rural and remote communities, outlined above, equally apply to a scenario where members of the Legislative Council are elected by the entire state. There is concern, that under such arrangements, the voice of rural and remote communities would be smothered by the relative number of voters in metropolitan Perth and more populous towns.

The New South Wales Legislative Council, and the South Australian Legislative Council each elect half their members at every general election using the entire state as the electorate. A similar situation in Western Australia would mean that 18 members of the Legislative Council would be elected every eight years, each for an eight year term. Electing 18 members using proportional representation would be likely to return a number of minor and micro party representatives due to the relatively small quota required in percentage terms (5.3 percent of the vote) to be elected.

Another option would be to elect 36, or more, members at every election, which would effectively halve the quota to be elected under the scenario above. This could lead to a substantial cross bench and a very large number of candidates nominating for election.

In New South Wales and South Australia, where the entire state elects the upper house, other measures have been put in place to reduce the number of candidates nominating for election. Such measures include increasing the fee to nominate for election, and strengthening the criteria for registration as a political party.

WALGA rejects the option of members of the Legislative Council being elected from an electorate comprising the entire state of Western Australia, principally on the basis that rural and remote political representation would be diminished irrevocably.

Recommendation 2

That a regional system be retained, and the whole state electorate option be rejected.

Regional, Rural and Remote Representation

Representing communities through Local Government across the breadth of the vast state of Western Australia, WALGA recognises the importance of political representation. As demographic and other forces pull people away from some regions towards the metropolitan area, political representation becomes increasingly important.

The terms of reference – demanding *electoral equality* – are contestable. It is the Local Government sector's experience that equality has many facets. Different levels of State Government services provided to different communities exemplify inequality, as does the varying distance to be travelled to access services and elected representatives. Focusing on equality only in terms of the number of electors in a Legislative Council region neglects to recognise the social, societal, economic, and geographic reality among Western Australian communities.

Electoral equality, established on the basis of the number of electors, in the Legislative Council will reduce political representation of rural and remote communities. Consequently, the political representation provided by Local Government will become even more important. This additional responsibility will be very challenging for many non-metropolitan Local Governments which are already stretched beyond their current capacity and resourcing.

Over many years, the service provision expectations and requirements of Local Governments have increased considerably, rarely with commensurate increases in funding. This has led to Local Governments, particularly in rural and remote parts of Western Australia, providing services previously provided by other spheres of government. Examples abound in relation to primary health care, aged care, and economic development, including support for business. Diminished political representation, requiring Local Government to fill another gap, will further stretch limited capacity and resources.

In considering political representation it is important to acknowledge the economic contribution of non-metropolitan regions to the wealth and standard of living in Western Australia.

Regional Western Australia makes a significant contribution to the WA economy. In 2019, the regions accounted for 40 percent of Gross State Product, with the largest contributions coming from the Pilbara, Goldfields-Esperance and the South West. Regional WA is also a significant employer, with more than 300,000 jobs located in regional WA – around 25% of the state's total workforce. Many of these jobs are located in the agriculture and mining industries.²

² DataWA, *Nominal Gross Regional Product 2019*. https://catalogue.data.wa.gov.au/dataset/03b1358e-981f-4fb1-9078-98682e32c026/resource/bdb89bd1-a6d0-4a05-9940-cd0f5af65085/download/2019_published-1.xlsx

Regional WA is home to many of the state's key export industries, including the mining and agriculture sectors. WA is an exports-based economy, and accounts for around half of the national goods exports total each year. Goods exports accounted for 59 percent (\$187.1 billion) of Western Australia's gross state product in 2019-2020.

As the prevalence of fly-in-fly-out has increased, it is crucial that the permanent residents of communities that host the bulk of WA's export industries remain politically represented.

It should also be acknowledged that Legislative Council Members in the Mining and Pastoral and Agricultural Regions provide crucial political representation to remote Aboriginal Communities. Reducing the number of Legislative Council representatives will further increase the pressure on remaining members to cover vast ground. Services taken for granted in Metropolitan Perth, are simply not available or not provided to the same extent in rural and remote parts of Western Australia. As a result, political representation and political influence remain critically important for many communities including Aboriginal communities, to advocate for existing services to be improved or even maintained. Aboriginal communities remain significantly disadvantaged in Regional Western Australia and removing or limiting access to Members of Parliament will have significant repercussions and does not achieve electoral equality.

In addition, a reduction in the number of Legislative Council representatives will further increase the pressure on remaining representatives to cover vast ground to appropriately service the region they represent. The Mining and Pastoral region is over 2.2 million square kilometres, which is four times the area of France.³⁴

It is the view of the Local Government sector that Legislative Council Members representing non-metropolitan Western Australia are hard-working and cover a lot of territory to be present in the communities they represent. Since non-metropolitan Western Australia is represented by comparably few members of the Legislative Assembly (16 compared to 43 in metropolitan Perth), regional members of the Legislative Council play a critical role in political representation.

The perspective of many rural and remote communities is that, without sufficient political representation, their concerns will be "out of sight, out of mind", swamped by the sheer weight of votes from metropolitan Perth and large regional centres.

Recommendation 3

That the Ministerial Expert Committee on Electoral Reform be required to consider the importance of political representation for rural and regional Western Australia.

³ Parliament of WA, 2021. *Mining and Pastoral Region 2021 Electorate Profile*. <https://www.parliament.wa.gov.au/WebCMS/webcms.nsf/content/parliamentary-library-electorate-profiles-2021-mining-and-pastoral-2021>

⁴ The World Bank, 2021. *Surface Area (sq. km) – France*. <https://data.worldbank.org/indicator/AG.SRF.TOTL.K2?locations=FR>

Conclusion

WALGA acknowledges the challenges inherent in the Ministerial Expert Committee's task to recommend reforms to the Legislative Council, while constrained by the terms of reference.

In this submission WALGA, representing communities all over Western Australia through Local Government, has argued that rural and remote political representation is important to ensure that regional Western Australia is supported to continue to generate export and employment opportunities that benefit us all.

A reduction in political representation in the Western Australian Parliament will lead to an expectation that Local Governments will expand to fill this role, a role that may stretch Local Governments beyond their capacity and resources.

In addition, it is widely acknowledged that health, education and other services are not provided to all Western Australians equally. In particular Aboriginal communities remain significantly disadvantaged in Regional Western Australia and removing or limiting access to Members of Parliament will have significant repercussions and does not achieve electoral equality.

On this basis, it remains important that rural and remote voices are heard in the Western Australian Legislative Council.

Recommendations

WALGA recommends:

- 1. That Group Ticket Voting be removed from the Legislative Council electoral system, and reforms be adopted modelled on the Senate reforms of 2016.**
- 2. That a regional system be retained, and the whole state electorate option be rejected.**
- 3. *That the Ministerial Expert Committee on Electoral Reform be required to consider the importance of political representation for rural and regional Western Australia.***