

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2009

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 4: Section 4.69 amended —

Debate was interrupted after the clause had been partly considered.

Ms A.J.G. MacTIERNAN: Last evening a number of members sought to make up for the absolute dearth of information in the second reading speech by engaging in an intellectual argument on the rationale that underpins moving down this path. Now that I am looking at clause 4, perhaps the minister could clarify for us his understanding of how the system will work practically in local government. The minister did admit that the proportional preferential representation system provides an outcome that is acceptable to most people.

Mr G.M. Castrilli: I said it was stated.

The SPEAKER: The member for Armadale cannot quote from the uncorrected *Hansard*.

Ms A.J.G. MacTIERNAN: I cannot quote from it and I do not know whether the minister has amended it. However, I am looking at it and it appears that the minister said that he understood that it produced a result that was acceptable to most people. However, he went on to say that the reason proportional preferential representation is not appropriate for local government—I am trying here to construct some logic in the argument—although it does work well at a state and federal government level, is that the proportional preferential representation system in the Legislative Assembly and the House of Representatives is for single-member vacancies. The minister then said that it is not the same in local government. I am interested in the minister's understanding and whether he has any information on how many local governments have multimember constituencies going to election at any one time. The legislation requires there to be multimember constituencies. However, the City of Armadale has two members in each ward so that there is a single vacancy only at any election, presumably in an attempt to reduce conflict between incumbents. That has been very successful as it has had very few new people coming into council; it has protected incumbency very well. Although a ward might be represented by a number of members, only a single vacancy becomes available in any election. Of course in these circumstances the first-past-the-post system is more likely to lead to an unfair outcome. Obviously, the more multimember a ballot is, the less likely problems such as those we have outlined will emerge. However, in the City of Armadale it is true that only one vacancy per ward comes up for election so that residents vote for a single member at any one time. I expect that the government in introducing this legislation has done some analysis of the number of councils that are structured so that multiple positions are not up for election at any one time. As I say, it goes to the heart of the minister's justification for us going down this path.

Mr W.J. JOHNSTON: I will not ask questions if the minister is about to answer the member for Armadale's question.

Mr G.M. Castrilli: If you give me a bit of time.

Mr W.J. JOHNSTON: I am happy to sit down again. I was not sure whether the minister was going to answer the question. It was not a very complex question.

Mr G.M. CASTRILLI: The latest figure I have is for the 2007 elections. There were 164 single-vacancy council elections and 173 multiple-vacancy elections.

Ms A.J.G. MacTiernan: So it is about 50-50.

Mr G.M. CASTRILLI: Those are the latest figures I have.

Ms A.J.G. MacTIERNAN: The minister would agree then that the analysis he gave in his reply last evening did not properly state the actual situation. We do not know how many of these are small shires and how many are large shires, but we know that approximately 50 per cent of the ballots are for single-member vacancies. My view is that this system might have more credibility for multimember positions but lacks credibility for single-member positions. I am asking the minister, in light of the fact that he is going down this path, whether he would consider requiring councils to restructure their process so that they have multimember electorates, rather than structuring them so that they have such a multiplicity of wards that allows them to avoid the necessity for multimember ballots.

Mr G.M. CASTRILLI: That is a policy issue.

Ms A.J.G. MacTiernan: You are a minister.

Ms Alannah MacTiernan; Mr Bill Johnston; Mr John Castrilli; Acting Speaker; Mr Paul Miles; Mr Tom Stephens; Mr Martin Whitely; Mr David Templeman; Mr Paul Papalia

Mr G.M. CASTRILLI: It was talked about yesterday and we are on about clause 4 of the bill.

Ms A.J.G. MacTIERNAN: I will comment on that. What I am pointing out here is that last evening, in the minister's justification for this legislation, he made a distinction between what is appropriate for multiple members being elected in a ballot and a single member being elected in a ballot. In our questioning we asked the minister for information and he has given us information that approximately half the ballots are actually single-member electorates. What has been revealed is that this system will apply to ballots of single-member electorates, whereas on the minister's own statements last evening he said that they would be more appropriately dealt with by way of preferential voting. He said that there is proportional representation in the House of Representatives and in the Legislative Assembly and that it is appropriate as they have single-member electorates. However, the minister is putting in this opposite system that he said has been designed to accommodate the circumstances of a multimember electorate, and we know that half the ballots are in fact single-member ballots. We are therefore saying to the minister that if he persists with this line, it will be inappropriate for those single-member electorates. I know that it is a policy question, but that is actually what ministers do; ministers do policy. Will the minister now consider addressing that problem and require councils to have multimember constituencies, because some councils have deliberately structured their affairs to have a multiplicity of wards so that they can avoid having multimember electorate votes? Not having multimember electorate voting and doing away with proportional voting for single-member ballots is a retrograde and regressive step.

Mr G.M. CASTRILLI: I do not recollect saying that. I said that first-past-the-post voting was the best system for local government.

Mr W.J. JOHNSTON: Immediately before question time I asked a very straightforward question, and I am happy to repeat the question because debate was interrupted by question time. Clause 4 amends section 4.69 of the principal act by deleting subsections (2) and (3). What provision of proposed new subsection (2) says that a number does not represent a valid vote?

Mr G.M. CASTRILLI: I have answered this question many times over. Section 4.75 of the Local Government Act 1995 stands. The instructions for marking the ballot paper do not change.

Mr W.J. JOHNSTON: I have asked a very simple question and I cannot understand why the minister cannot answer me. Does proposed new subsection (2) indicate that a number is not permitted for a ballot? I do not care what is contained in section 4.75. I am asking the minister a simple question concerning clause 4(2) of this bill: Is there any direction that says that putting a number on a ballot paper is not valid?

Mr G.M. CASTRILLI: No. But section 35 of the Local Government (Elections) Regulations 1997 will stipulate that if two or more offices are to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of each candidate whom the elector wishes to be elected, but is not to place ticks in more boxes than the number of offices to be filled.

Mr W.J. JOHNSTON: Will the minister give me a copy of the regulation he has quoted, because no one has it? The minister is referring to proposed regulations that this morning he said were in his hand. Then the minister was unable to answer questions relating to clause 2 because he did not have the regulations. The minister said that what he was quoting from was subject to drafting. If the minister has the regulations, will he give them to me so that I can look at them and clarify not only this clause but also other issues? In debate the minister said that he wanted to use a cross and not a number. That is not what I am asking the minister. I have not asked about sections 4.75 or 4.80 or about Mother Goose! I have asked about the provision that the minister is presenting to us. Does any provision of this bill say that an elector should not use numbers?

Mr G.M. CASTRILLI: I have been advised that the regulations will contain instructions on how to mark the ballot paper and not how not to mark the ballot paper. The instruction will be to use text.

Mr W.J. JOHNSTON: Will it be open for a judge in the Court of Disputed Returns to rule under clause 4(2) that a ballot is valid, say, in the situation in which four councillors are to be elected in a multimember ward and a person wrote 1, 2, 3 and 4?

Mr G.M. CASTRILLI: It is not up to me to pre-empt what a judge's decision will be.

Mr W.J. JOHNSTON: With respect, I do not understand why the minister would say that no part of this bill says that numbers are not acceptable, but a regulation that either does or does not exist—the minister quoted from it, yet he does not know whether it exists—may say something about how a ballot paper should be filled in, but not how it should not be filled in! We have 100 years of law confirming that people should be entitled to fill in a ballot paper so long as they make their intention clear. However, the minister will provide a regulation for humble public servants who are trying to do their job that will not tell them what to do. I do not understand how

the minister believes that that is good public policy. Why not provide a regulation that indicates what the minister wants? The minister is not saying that he does not want people numbering the ballot paper. Why is it that the minister wants to abandon the status quo, tear up the conservative approach to politics and go to this new system, but he is not going to give proper advice to people? Why not make a regulation? What is the minister's motivation for saying that numbers are no good?

Is it because the minister does not want them to number all the boxes—is that the problem? What is the reason for not providing a regulation that directs public servants who are counting these ballots to understand that 1, 2, 3, 4, in the case of four councillors to be elected, is a valid vote? Why will he not allow regulation that directs them to the reality of the situation?

Mr G.M. CASTRILLI: My advice is that the same principles apply here as apply to state and federal electoral legislation.

Mr W.J. JOHNSTON: Clearly, the minister's advice is not right. That is simply untrue. There are detailed commonwealth regulations that explain how to count a ballot. Is the best the minister can do is say that he does not have a motivation? This is the fundamental problem with what the minister is doing. We will be the only state in the country that counts local government ballots in this way. We are the odd one out if this non-conservative approach is taken to politics and this bill is passed by the house. Due to the minister's unique system, we will be the only state in Australia that does not provide detailed advice to the people doing the count on how to do it. Why will the minister not tell them that a number is okay? What is the reason for the decision that a number is not okay? There must be a policy reason because there is no practical reason. I will keep talking for a couple of minutes while the minister gets better advice. There is no reason; there is no logic in this. The minister has already acknowledged that it will be a valid vote, so what has caused the government to say that electors should not put numbers on their ballot paper? What is the reason for that?

Mr G.M. CASTRILLI: I have addressed that issue in the debate; I have already answered it.

Mr W.J. JOHNSTON: With respect, I cannot believe that the minister can come to the house and not explain the reason for doing something? Who is making him do this? Who wrote down these words? What instructions did the minister give for these words to be written in the way they are? Is he saying that he would be happy for them to be amended? Is he saying that because there is no particular reason for them to be written in this way, as my colleague the member for Pilbara suggested, we should come up with a better set of words? If there is no reason for these words to be passed by the house, we should not pass them. If the minister cannot stand there and say that he wants the house to pass these words for this reason, why should I vote for it? Why should the member for Wanneroo vote for it if the minister cannot tell anyone in this house why this set of words is better than the existing set of words? The minister cannot explain why this set of words reflects the minister's desire. I am not the minister; he is. I can tell him in great detail, as I did in my second reading contribution yesterday, why I prefer the current electoral system to the flawed proposal the minister is bringing to us today. But he cannot show respect to this house. He cannot do his job, quite frankly. His job is to be accountable to this chamber. That is the reason he is sitting in that chair. That is why, quite frankly, the minister is paid a quarter of a million dollars a year. He is paid that amount because he must be accountable. He is accountable right where he is sitting. He must explain to us before we vote on this legislation the reason these words are in the bill rather than some other words. Otherwise, the minister is saying to me that I should move an amendment because it might well contain a better set of words than the words he has provided. I hear the minister saying, "I have no reason to support these words; I have no concept in my mind for why this set of words is good and other sets are not." That is what the minister is telling us. He cannot explain why he has introduced this piece of legislation. The Speaker, the Deputy Speaker and Acting Speakers often say to members on our side of the chamber that we must debate the clause before us.

The ACTING SPEAKER (Mr J.M. Francis): I am about to say it again.

Mr W.J. JOHNSTON: We are told to address the matter before us. The minister has presented a specific set of words to us in this bill. He is the one telling us these are the words that should be in the act. These are the words that will tell the people of Western Australia how to govern their affairs. It is not a complex question. I would expect anyone who has introduced a bill to be able to stand up and say, "I have a reason for, I have a view on, I have an opinion about this clause or I am doing what I am doing based on this policy decision." It is mind-boggling that a minister has come into this chamber asking the house to vote on deleting section 4.69(2) and (3) of the act and inserting another set of words but says, "Well, you know, they're the words that are written down; I don't know why I wrote those words down and not other words, but they are the ones that are written down. Well, you know, I don't know why I told the parliamentary draftsmen to put it like that, but, you know, that is what the parliamentary draftsmen gave back. But gee whiz, yes but." The minister earns a quarter of a million

dollars a year and he cannot tell me why this is a good set of words. His salary of a quarter of a million dollars puts him in the top half a per cent —

Point of Order

Mr P.T. MILES: Mr Acting Speaker —

The ACTING SPEAKER: I do not believe the member needs to make the point of order. I ask the member to stick to the points relevant to clause 4. I fail to see how he is doing that with his current argument.

Mr T.G. STEPHENS: On the same point of order, I want the member for Cannington to take the opportunity of asking the minister to answer the questions being put before him.

The ACTING SPEAKER: Thank you for raising another point of order. I will allow the member for Cannington to continue.

Debate Resumed

Mr W.J. JOHNSTON: Thank you, Mr Acting Speaker. I will not concern myself with the quarter of a million dollars paid to the minister. With 22 seconds to go, I come back to the words in clause 4 and ask the minister to stand and explain to me and the house, and through us to every Western Australian, why this set of words is appropriate for us to vote on? What policy is behind this set of words that we must vote on?

Mr G.M. CASTRILLI: I am reverting to the set of words in the legislation for the first-past-the-post voting system pre-proportional preferential representation.

Mr W.J. JOHNSTON: Okay, I understand that the system that was introduced 15 years ago is to be reintroduced. We will be using neither the system used in Western Australia prior to the 1995 changes, nor the system we are currently using. We will be using the system that was used for that short period.

Mr G.M. Castrilli: Correct.

Mr W.J. JOHNSTON: That is understandable. The minister is saying that it does not matter how inadequate the legislation was in 1995; all the government is doing is reverting to those words because they were the words used. That is fine; I accept that. Would another voting system that is still a first-past-the-post system meet the policy objectives of the state government? Rather than this set of words, would another system for multimember first past the post also be acceptable to the state government? This is a policy question and goes to the very heart of the words presented to us. The only reason the words the minister has presented to us are written on this piece of paper is that it is the government's policy position to have the same system that was introduced in 1995—not the system that previously applied; not the status quo in Western Australia, but the system used for only that short period. I gather that, although there is no policy question, so long as it is a first-past-the-post multimember system, it is acceptable to the government.

Mr G.M. CASTRILLI: I am introducing the first-past-the-post system that existed before the proportional preferential representation system. That is it.

Mr W.J. JOHNSTON: Would a system like list voting or the D'Hondt counting system be acceptable, because they are both —

Point of Order

Mr P.T. MILES: I refer to standing order 179—relevancy of the debate. The member is wandering way off on to other things when he should be discussing the bill at hand.

The ACTING SPEAKER (Mr J.M. Francis): I am happy to allow the member for Cannington to continue.

Debate Resumed

Mr W.J. JOHNSTON: I am just trying to understand. I am talking only about subclause (2). This proposal is to introduce a system of multimember first-past-the-post voting in Western Australia. It is not the status quo; it is a new system. It is the system that was temporarily used in Western Australia. It is a different system that nobody else in the whole country uses. It is not, for example, the system from the United Kingdom that was quoted in the second reading debate by a number of members. It is a completely different system. Does the government have a policy issue that prevents it from accepting, say, list voting or a D'Hondt counting system? That is what I am asking.

Mr G.M. CASTRILLI: This first-past-the-post system is what has been requested to be reintroduced, and that is why I am introducing it.

Ms Alannah MacTiernan; Mr Bill Johnston; Mr John Castrilli; Acting Speaker; Mr Paul Miles; Mr Tom Stephens; Mr Martin Whitely; Mr David Templeman; Mr Paul Papalia

Mr W.J. JOHNSTON: When the minister says that he has been requested to reintroduce this system, who is requesting it? Is the minister requesting it? Is a machine requesting it? Is the government requesting it? Who exactly is the minister saying is requesting that the system be reintroduced?

Mr G.M. CASTRILLI: The Western Australian Local Government Association, which represents local governments in Western Australia has requested that the government reintroduce a first-past-the-post system, and that is what the government is doing.

Mr W.J. JOHNSTON: The Western Australian Local Government Association has requested that the government reintroduce a first-past-the-post voting system for local government elections, and the minister is saying that that would exclude, for example, the D'Hondt voting system. Is that what the minister is saying? Can the system not be used for multimember electorates? It has been used in Australia, in the Australian Capital Territory, in the past. Is the minister saying that WALGA does not want that system? Has the minister discussed that with the association? Did the minister raise in discussions other multimember first-past-the-post systems, or has he not thought of anything other than the piece of paper given to him from the Parliament in 1995? Is that all he has thought about? Has he not tried to think of what could be a better system than this one? Has he not considered that there may be other first-past-the-post systems of voting that would be superior to the one that was passed by the Parliament in 1995? Has the minister had any of those policy discussions with WALGA or anyone else?

Mr G.M. CASTRILLI: WALGA has asked me to consider returning to a first-past-the-post system, and that is what this government has agreed to do.

Mr W.J. JOHNSTON: In answer to a question during question time this afternoon—I made sure that I noticed that the Minister for Local Government was in the chamber—the Minister for Agriculture and Food discussed a vote at the council in Albany. He said that a resolution had been carried by the council by six votes to five. The point he made was that that is not a strong vote. I made a note of his comment. Does the minister think that a candidate winning in a multimember constituency by, say, six portions out of 11, is not a strong vote? Given that there are other first-past-the-post systems that would give a different result, why does the minister think that his system, which would, if this legislation is passed, deliver all positions in a multimember constituency to one team, is better? That team could have received six portions out of 11, which the Minister for Agriculture and Food said is not a strong vote. Why should a person who gets six portions out of 11 get 100 per cent of the multimember constituency when there are other voting systems that would not allow the person who got six portions out of 11 to take 100 per cent? That system would still be first past the post, but not in the way that the minister has presented to the house. Given the very strong position put to us today by the government that six votes out of 11 is not a strong vote, why is the minister proposing a system in which a person who gets six portions out of 11 gets 100 per cent when there are other first-past-the-post voting systems that would not deliver the same outcome? Why is that a good idea?

Mr G.M. CASTRILLI: This is not relevant to the clause under consideration.

Mr W.J. JOHNSTON: With respect, what could be more relevant than the operation of this clause? This is the minister's clause. I will not mention that he gets paid \$250 000, because I have been told not to, but the minister comes into the house and presents this legislation and then tells us that the effect it will have is not relevant. It does not matter that it delivers 100 per cent control of a ward to a team that gets six portions out of 11 of the vote in that ward. The government told us at question time today that in a local council vote in the City of Albany the vote of six to five is not a strong one. However, the minister presents a system to us that says that a candidate getting six portions out of 11 will get 100 per cent of the elected representatives on a council and then says that that is not relevant to the clause before the house. What is happening here? The effect of the clause is not relevant to us. It is not just the words of the legislation, but what happens out in the community. The minister tells us to worry not about the effect of the clause but only about the words written on the paper. Give me a break! The minister cannot, for the life of this Parliament, think that it is acceptable to say that we should not debate the effect of this bill, and that we should not care about what is happening. There are many alternatives to the system presented to us by the minister, yet the minister has said that he does not know why he has proposed this system or what the alternatives are. He has not had any policy discussions with anybody about alternatives. All he does is say that they are the words he has been given and he should support them, and that he does not have to explain at all why he is doing what he is doing. It is ridiculous that the minister has come to do this. It is about the minister doing his job. He is accountable to the Parliament, and he is not doing his job.

Mr M.P. WHITELY: The member for Cannington has been perfectly clear in the point that he has been trying to make, and I am astonished that the minister seems to be struggling to understand. It needs further explanation, and I will rephrase it as best I can, so that the minister can gain an even clearer understanding. Let us suppose that 1 000 people vote in a multimember electorate race, and 501 votes go to a particular ticket, with two

Ms Alannah MacTiernan; Mr Bill Johnston; Mr John Castrilli; Acting Speaker; Mr Paul Miles; Mr Tom Stephens; Mr Martin Whitely; Mr David Templeman; Mr Paul Papalia

positions to be elected. Both those positions would go to the group that gets 501 votes. The group that gets 499 votes would get nothing. Why is that a fair and desirable system? I cannot for the life of me see how that is a desirable or a democratic system, and the only rationale the minister can offer is that WALGA told him to do it. I do not think that is a good enough explanation. We need to be concerned about the application of democratic principles at the level of local government. I do not think that the minister has shown a blind bit of interest in that and he has abrogated his responsibilities. Why not let the Western Australian Local Government Association make every decision of government? If this is the precedent that the minister is setting, why do we need to have a minister? Surely the minister can explain the rationale for the outcome outlined by the member for Cannington, who was explaining a situation when it was six to five. I can envisage a situation in which 1 000 people vote in a multimember electorate, maybe where two or three councillors are elected, and one particular ticket gets just over half the vote at 501 votes and it gets all the prizes. In what way is that democratic?

Mr G.M. CASTRILLI: I have already answered that.

Mr M.P. Whitely: Do you want to be a minister?

The ACTING SPEAKER (Mr J.M. Francis): Order! I had not given the member the call again.

Mr D.A. TEMPLEMAN: I was listening to the contribution of the member for Bassendean. He was pursuing a very interesting line of thought and I would be very interested to hear more from him on that theme.

Mr M.P. WHITELY: I have made one contribution to this debate and asked one question. The minister cannot offer a reply. Is the minister interested in being a minister or is he just taking the pay packet? The question was quite clear. I do not know what it is the minister is struggling to understand. The question is quite clear: why is it a problem? You look nervous, Mr Acting Speaker.

The ACTING SPEAKER: I am quite comfortable, thank you very much, member.

Mr M.P. WHITELY: The question is quite straightforward and is the single question I have asked in my contribution to this debate and is a point that deserves clarification: is the only rationale that the minister can offer that WALGA asked him to do it? Am I to take his silence as it being the only rationale he can offer? It is undemocratic to have 501 votes for one ticket in a multimember electorate take all the prizes and 499 votes get none of the prizes, and it is a consequence of the system that the minister is proposing. Is the only rationale that the minister can offer for that the fact that WALGA told him to do it?

Mr G.M. CASTRILLI: We vote for individuals in local government, not for parties or groups.

Clause put and passed.

Clause 5: Schedule 4.1 replaced —

Mr P. PAPALIA: I draw the minister's attention to clause 5 of proposed schedule 4.1. I expressed concern about this in my contribution during the second reading debate. It refers to two or more candidates receiving the same number of votes, so that clauses 2, 3 or 4 cannot be applied. I expressed concern about the appropriateness or otherwise of drawing lots to determine an outcome. By way of interjection a government member suggested that it hardly ever happens. I wonder whether the minister or the department has ascertained how frequent this outcome is likely to be and how much of a potential problem it is.

Mr R.F. Johnson: How long is a piece of string?

Mr P. PAPALIA: Okay. Based on the fact that this system that the minister is reintroducing was in force from 1997 to 2007, has the minister ascertained how frequently it has occurred?

Mr G.M. CASTRILLI: The short answer is no.

Mr P. PAPALIA: Part of the reason I ask is that I was ridiculed by government members for suggesting that drawing lots for determining who will be the successful candidate if there are a number of candidates with the same number of votes was less democratic. I believe it is not a very appropriate way of determining an election outcome. That is why I wanted to know how much consideration the minister had given to the fact that it could be one of the outcomes as a result of reintroducing this form of voting and the associated regulations for conducting votes.

Mr G.M. CASTRILLI: It is the same system that applies now under schedule 4.1, clause 23.

Mr P. PAPALIA: The difference is that currently we have preferential voting, so there is a way of determining the likely intent of voters as opposed to just tossing a coin. My question was not about what we do now but what

consideration had the minister given to this issue—would it be a big or small problem or had the minister not thought about it?

Mr G.M. CASTRILLI: The same system is determining whether people get the same number of votes, so it applies under both systems. It has to be determined.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [3.48 pm]: I move —

That the bill be now read a third time.

MR P. PAPALIA (Warnbro) [3.48 pm]: I will speak only very briefly. I know the Leader of the House will be among those who will be pleased with that fact. However, I want to take this opportunity to refer to parts of the debate and some of the information that became evident during the course of the debate. I believe the minister failed at every stage of the debate to provide an explanation or argument in support of introducing this retrograde amendment and move back in time to a system that is not consistent with those used at other levels of government in Western Australia for electing people. It will undoubtedly create a heightened likelihood of confusion on the part of voters in local government elections and, as a result, in state and federal elections. People are called upon to differentiate between the different voting systems at each level of government and to make a decision, to become aware and to remain aware of the changes as they move between local, state and federal government elections, and to ensure that they get their method of voting correct to ensure a valid vote and that they are not disenfranchised. I have not at any stage of the debate recognised any argument put by the minister that would justify this change he seems to be making purely at the behest of some within the executive of the Western Australian Local Government Association. That is a fact that has been identified by the debate.

Within the latter stages of the debate last evening, and also during consideration in detail today, which we have just passed through, I think it became very clear, sadly, that the minister was not prepared to introduce this bill to Parliament. He came to this place very clearly not having read the regulations that will implement the amendment and implement the significant change to the voting system that will be enforced in Western Australia as a result of amending this legislation, if this bill passes through both houses and receives royal assent. That in itself is a very telling point. That in itself is an extremely important and, sadly, disappointing outcome from this debate. I have a great many misgivings about the fact that the minister introduced this legislation in the lead-up to budget week as the government's number one priority. Setting that aside, this is the minister's first relatively important piece of legislation. He has demonstrated that he is willing to undertake this process without having read the regulations that will dictate how this voting system will be implemented. It goes to the heart of the professionalism, the responsibility or otherwise, and the inadequacy of this minister.

I also observe that in the course of this debate it has become very clear that there is a real inconsistency between the minister's response to the local government sector and issues within the local government sector. He seems quite happy to come into this place and act completely on advice from WALGA, yet he refutes its arguments in regard to other legislation and other actions he is taking within the sector. That is inconsistent. It is not appropriate and it is not helpful. It is incredibly disappointing for the local government sector and, I would also say, for the people of Western Australia.

The opposition opposes this bill because it has not heard anything from the minister that has built its confidence that he has actually taken any trouble at all to prepare himself to deliver this change to the legislation. It is contrary to all things that the Labor Party has stood for with regard to the electoral system and our belief in the fundamental tenets of democracy.

MR W.J. JOHNSTON (Cannington) [3.54 pm]: I wish to make a very brief contribution. This is a very major change. When a conservative approach to politics is not taken and a change is made, there are consequences. One of the consequences is that this will change the balance on councils. Rather than having proportional representation by which people in the community, by their varied views, are reflected in councils, this will narrow councils down. Given that we are not doing anything about increasing the participation in local government elections, we will through this provision potentially narrow down representation and have a small

Extract from *Hansard*
[ASSEMBLY - Wednesday, 6 May 2009]
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Ms Alannah MacTiernan; Mr Bill Johnston; Mr John Castrilli; Acting Speaker; Mr Paul Miles; Mr Tom Stephens; Mr Martin Whitely; Mr David Templeman; Mr Paul Papalia

group running councils rather than an opportunity to reflect the diversity of the community. That is sad for local government; it is not good.

I wish to raise in conclusion the minister's explanation for doing this. He is doing it not because it is the best way of going about things. He is not doing it because he thinks it is the best approach to take to politics. He is not doing it because that is the best thing for the state of Western Australia. He is doing it because a lobby group asked him to do it. Let us understand that. We have had Corruption and Crime Commission matters over the past few years, and we have seen what happens with lobbyists, and this minister comes to the chamber and says, "I'm doing it because a lobby group told me to." That is his policy reason to present a change that will affect local government.

Question put and a division taken with the following result —

Ayes (22)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell

Mr G.M. Castrilli
Mr J.H.D. Day
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob

Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan

Mr C.C. Porter
Mr A.J. Simpson
Mr M.W. Sutherland
Mr J.E. McGrath (*Teller*)

Noes (23)

Ms L.L. Baker
Mr A.J. Carpenter
Mr V.A. Catania
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston

Mr J.C. Kobelke
Mr F.M. Logan
Mr M.P. Murray
Mr A.P. O'Gorman
Mr P. Papalia
Mr J.R. Quigley

Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti
Mr T.G. Stephens
Mr C.J. Tallentire
Mr A.J. Waddell

Mr P.B. Watson
Mr M.P. Whitely
Dr J.M. Woollard
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Question thus negatived.

Bill defeated.