

**CONSTITUTION AND ELECTORAL AMENDMENT BILL 2016**

*Second Reading*

Resumed from 12 May.

*Point of Order*

**Hon SIMON O'BRIEN:** With respect to my honourable colleague opposite, Mr President, it might be helpful for the house and possibly, while I raise the point of order, you might even consider whether we can stop the clock so that we do not use up time on this very worthy bill, if that is okay. I was hoping you might offer the house a ruling on standing order 122 in relation to this matter, specifically with reference to section 46 of the Constitution Acts Amendment Act 1899. I ask for this ruling for the reason that I think it might assist our parliamentary processes if you were to do so at this time. I am not asking you, through this point of order, to rule the bill out of order; in fact, on the contrary. However, it has been seen, if not in recent years then in times gone by, that the Legislative Assembly has taken a very narrow view on the types of bills that can be originated in the Legislative Council and has used section 46 to reject bills originating in the Council, perhaps because they were inconvenient to those who hold sway in another place; I do not know. Although I am firmly of the view that this bill in no way, even on the most elastic of interpretations, offends section 46 of the Constitution, I feel that this eminently supportable bill would benefit in the course of its passage from an official ruling on the record from you about this matter so that we are clear and members can proceed in the debate with confidence.

**The PRESIDENT:** Members, the standing order that Hon Simon O'Brien referred to is standing order 122(3)(b), which states —

(3) Any Bill that the President determines —

...

(b) in the case of a Council Bill, cannot be introduced in the Council in accordance with any constitutional or statutory provision,

shall be withdrawn by order of the President.

With some anticipation of this matter being raised when this bill was first framed, the Clerk and I did some homework on this and it is, we think, very important to have this matter clarified and on the record. I have, just coincidentally, a ruling at hand! I will now provide that ruling.

*Ruling by President*

**The PRESIDENT:** Hon Simon O'Brien has raised a point of order regarding the Constitution and Electoral Amendment Bill 2016, introduced by Hon Martin Aldridge. The point of order queries whether the introduction of the bill in the Legislative Council is contrary to section 46(1) of the Constitution Acts Amendment Act 1899, which states —

Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licences, or fees for registration or other services under the Bill.

The bill proposes the amendment of both the Constitution Acts Amendment Act 1899 and the Electoral Act 1907 to increase the number of members of the Legislative Assembly from 59 to 61. The specific concern raised by Hon Simon O'Brien is whether the bill involves an "appropriation", and therefore whether the bill should be introduced in the Council. It is important to note from the outset that section 46 of the Constitution Acts Amendment Act 1899 is nonjusticiable. Its equivalent provision in the commonwealth Constitution has been described by the courts as "a procedural provision governing the intramural activities of the Parliament". The courts do not interfere in those activities, and I cite the High Court of Australia's decision in *Western Australia v Commonwealth* (1995) 183 CLR 373 as authority for this proposition. The main point of this is that the courts will not be determinative of the issue of compliance with section 46; rather, it will be a ruling of the Presiding Officer of one or both houses that will determine the fate of the bill.

Unfortunately, many of the relevant parliamentary precedents are not particularly helpful, due to the historically divergent approaches taken by the Legislative Council and Legislative Assembly with respect to section 46, with this divergence waxing and waning over time. For instance, in 2005 the One Vote One Value Bill 2005 proposed to increase the number of members of the Legislative Council by two. On the basis that the bill would therefore require additional public funding to pay for the two extra MLCs, the Governor sent a message to the Legislative Assembly, pursuant to section 46(8) of the Constitution Acts Amendment Act 1899, recommending the appropriation for the purposes of the One Vote One Value Bill 2005. This, however, was not unusual, as the

Legislative Assembly has for some time adopted an interpretation of section 46 that has regarded any bill that may either directly or indirectly result in additional public expenditure as being a bill “for the appropriation of revenue or moneys”. As far as the Council is concerned, however, the issue comes down not to whether a bill may simply result in more government money being spent, but rather whether or not the bill contains an “appropriation”.

What is an appropriation? Provision is made in section 64 of the Constitution Act 1889 for a consolidated fund into which state revenue is paid. The consent of the Parliament is essential before the executive may raise public revenue through taxation or expend public revenue. Clause 4 of the Bill of Rights 1688 (UK) states —

That levying money for or to the use of the Crown by pretence of prerogative without grant of Parliament for longer time or in other manner than the same is or shall be granted is illegal.

That consent is given in the form of an act of Parliament imposing taxation or appropriating money from the consolidated fund, pursuant to section 72 of the Constitution Act 1889.

The executive government’s control over the state’s finances is recognised by the prohibition on the appropriation of public funds without the Governor’s authorisation in section 46(8) of the Constitution Acts Amendment Act 1899. This provides that before a bill for the appropriation of revenue or moneys can be passed, the Governor must in the same session recommend the purpose of the appropriation by message to the Legislative Assembly. In practice, the message usually accompanies the introduction of the bill. For an appropriation to be valid, a particular purpose must be identified. A sum appropriated to a particular purpose cannot be spent on another purpose. The sum appropriated is a maximum sum. It is available only in respect of expenditures which are made during the period in respect of which the parliamentary appropriation is given. If unexpended during that period, the authority to spend it expires, and the money cannot be spent and returns to the control of the Parliament.

Justices Isaacs and Rich in the High Court of Australia case of *Commonwealth v Colonial Ammunition Company Limited* (1924) HCA 5; 34 CLR 198 at page 224 observed that —

... an Appropriation Act has a twofold purpose. It has a negative as well as a positive effect. Not only does it authorize the Crown to withdraw moneys from the Treasury, it “restrict(s) the expenditure to the particular purpose”.

Latham CJ also stated at page 253 of *Attorney-General (Vic) ex rel Dale v Commonwealth* (1945) 71 CLR 237, known as the *Pharmaceutical Benefits Case*, that a statute would not operate as an appropriation act unless it defined the purpose for which the money might be spent —

... there cannot be appropriations in blank, appropriations for no designated purpose, merely authorizing expenditure with no reference to purpose. An Act which merely provided that a minister or some other person could spend a sum of money, no purpose of the expenditure being stated, would not be a valid Appropriation Act.

Accordingly, to be an appropriation act, the act must expressly appropriate a sum of money for a specific purpose. There is, therefore, a distinction between appropriation and authorisation—an act may authorise or necessarily require expenditure by the government to effectively implement it, but the act itself may not as a matter of law appropriate that expenditure.

In summary, an appropriation is a formal and particular legislative action, and clear and specific words are required to constitute an appropriation. From the Legislative Council’s point of view, a bill appropriating revenue or moneys is one that contains a clause that requires money be specifically appropriated from the consolidated fund for the purpose of the bill. In my opinion, the bill does not contain any express provision appropriating money.

The Legislative Assembly has two sources of funding. One source is appropriated annually by Parliament for the delivery of services. In the 2015–16 budget this appropriation will be \$5 758 000. The other source of funding relating primarily to its members’ salaries and allowances is not contained in the moneys appropriated from the consolidated fund annually by Parliament. This source is contained in a standing appropriation under the *Salaries and Allowances Act 1975*. The 2015–16 budget lists this amount as \$19 188 000, but the requirements of the *Salaries and Allowances Act 1975* is for the necessary salaries and allowances to be appropriated as required. No additional parliamentary authority is necessary and the amount is not contained in the annual appropriation bills. Accordingly, any costs associated with an increase in the membership of the Assembly due to the bill could be accommodated within these existing annual and standing appropriations.

The bill does not contain an appropriation and therefore is not a bill for the appropriation of revenue or moneys described in section 46 of the *Constitution Acts Amendment Act 1899*. The bill may originate in the Legislative Council. It does not require a message from the Governor recommending an appropriation.

Members, that was quite a lengthy ruling but I think it is quite valuable to have that on the record for future references in terms of any legislation introduced in this chamber.

We have some visitors in the gallery. I believe it is a public tour. Welcome.

*Debate Resumed*

**HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition)** [11.22 am]: I thank Mr President for the ruling he just provided to the house to clarify whether this bill had money attached to it.

First of all I want to acknowledge that Hon Martin Aldridge has introduced this bill in this place and that the heart of this legislation is about the National Party wanting to increase the number of seats in the Legislative Assembly by two. Having listened to the President's ruling, there are a series of questions related to this bill. Given this bill is about increasing the number of seats in the Assembly, why was the bill not introduced in the Assembly so that it could be thoroughly debate there? This bill relates to changes to boundaries. Perhaps Hon Martin Aldridge will be able to explain to us at some point why the bill is being presented to us and not in the Assembly.

There is another thing that I am curious about. Given the National Party is in coalition with the government—we know there is a Minister for Electoral Affairs—why is this not a government bill? If the government supports this bill, why is it not a government bill? When bills such as this come before the Parliament, given it is legislation that would impact upon every party that is represented in this state, normally there would be some sort of discussion across parties to seek views or support. The first inkling we had that this legislation would be introduced was a letter from Hon Martin Aldridge. From earlier discussions with the Leader of the House, I think the first indication he had was when he read about it in the media. I do not understand why the two parties in coalition are not talking to each other about this bill. It seems to indicate yet again the schism that exists between these two groupings in this house. There are some questions to be raised around that.

Another thing that needs to be put on the record is why at this point—when this state is in significant debt and there are enormous problems all across our communities in terms of infrastructure, congestion, housing, cuts to schools; I could go through a long list of failures of this government—is the National Party focused only on two additional seats in the Assembly? One could say it is vested, self-absorbed interest. We know that given the shift from the bush—Hon Simon O'Brien looks horrified; I know it is a shock!—to the city, even if this bill were successful, there is no guarantee that either of the proposed seats would remain in regional areas. One has to look only at the current number of seats and the number of electors in those regional areas. In the Agricultural Region, there are four seats and 98 000 enrolled voters. The Mining and Pastoral Region has four seats and 97 000 voters. The South West Region has eight seats and over 200 000 voters. That totals just over 400 000 enrolled voters in those regional areas. Compare those numbers with metropolitan areas that are experiencing significant population growth. In the East Metropolitan Region, there are 14 Legislative Assembly seats and more than 361 000 electors. In the North Metropolitan Region, there are 14 seats and more than 362 000 electors. The South Metropolitan Region now has 15 seats under the new electoral distribution and has more than 378 000 electors. That totals more than 1.1 million electors, which is more than two and a half times the number of electors in regional areas.

Why is the National Party raising this now? There has been an exodus of people from this state after the mining boom. People are leaving regional areas to head over east or overseas, or they are coming back to the city. The numbers are being expressed in the growth in metropolitan areas. One has to ask why that is. A number of National Party MPs and candidates have put out press releases extolling the virtues of this bill, saying it will enhance their representation in regional areas and that having modern telecommunications is not enough to assist their representation or their offices. I know how hard it is. Western Australia is a huge state and MPs grapple with the tyranny of distance. Governments of the past have tried to accommodate that by providing additional resources to country MPs, such as charter arrangements, additional staff and additional offices. I do not know why the National Party is not talking about additional resources.

**Hon Martin Aldridge:** There are no additional staff.

**Hon KATE DOUST:** Hon Martin Aldridge, after looking down the list of where some country MPs have offices, if people want to give consideration to better representation in regional areas they might look to become more than just “metro-Nats” and move their electorate offices away from the city—including Hon Martin Aldridge. He should go out into those parts of his electorate that do not have a presence. I offer that as a recommendation.

**Hon Martin Aldridge:** I will not be taking that.

**Hon KATE DOUST:** I appreciate that Hon Martin Aldridge will not take that.

There are significant issues when we look at this. I am quite happy; I think it would be a good thing to give consideration to how we address the changing demographics of our state and the transition of people from regional to metro areas. Perhaps there needs to be a broader inquiry into that, given that it took the Standing Committee on Legislation almost 12 months to consider matters raised in the one vote, one value inquiry back in the early 2000s and an extended period of time to get those bills through Parliament. I know there was a raft of ongoing negotiations around those issues to get that legislation through, and it was not as simple as bringing in a piece of legislation like this. I am not sure where the government is going on this, given it is not its own bill, but at some point perhaps it might want to give consideration to sending this bill off to a committee, so that there can be a much broader inquiry and it can look into the policy behind the bill and give consideration to some of those other matters that I know the community is interested in. I do not know whether the National Party or the government is interested in such issues as transparency of political donations and the timeliness of reporting of political donations, but I raised those issues in the last debate we had in this house when we dealt with the more recent electoral reform bill. Those are some of the issues that we could look at. We could address similar issues to the federal government, such as how it manages minor party votes and how those things work. A raft of other matters could be considered but we have to ask ourselves, given the timing of the presentation of this bill to the house and that it was not done in consultation with the government, whether this is merely a stunt by the National Party to raise the profile of its members in their communities to try to be seen to be doing something for their communities and to talk about better representation—from their metropolitan-based offices in some cases.

The other question we raise is what engagement occurred with the Electoral Commission in the consultation and drafting of this bill. I would have thought that the Electoral Commission would have been the first port of call to seek advice on whether it is appropriate to move down this path. I am not going to spend lot of time on this bill, because I think the government should provide us with its view and explain how it is going to manage this bill, because regardless of what the President has said today, if it is passed, it will have significant financial impact on how this Parliament operates and it will tap into the budget. We need to raise broader questions: If the National Party wants to expand the Assembly, what is the impact then upon the upper house? Do we follow on from there and debate expanding our numbers in the upper house to deal with the growth in the Assembly or do we have that discussion about rejigging our numbers in the upper house to better represent the demographic changes throughout the state? Do we consider reducing the number of regional areas in the upper house and increasing the number of MPs in our regions in the metropolitan area? Do we also look at the growth in North, East and South Metropolitan Regions, where six MPs represent each of those areas, with significant numbers of electors and more constituents? Do we talk about truth in numbers there?

This bill in some ways opens up some very interesting questions that we could look at as a house, but the opposition questions why it has been raised at this time and why it has not been through an appropriate consultation with the government of the day and why the government has been caught out. I note that when the last round of redistributions occurred, the National Party wanted to keep all 17 country districts—of course, they wanted some arrangements—and I think there was a reference to keeping seats in the metropolitan area at the highest level and looking to reduce the boundaries for the country seats. I fully understand where the Nationals are coming from; they want to represent their constituency there, but I do not know whether this bill is the vehicle. I do not think there has been appropriate community consultation. Whenever these types of bills are in place, and given it will impact more than one party and a much broader community, there should be a more extensive consultation process and opportunity for all those interested groups in our community to have a say. We know that many people are interested in how our electoral affairs are managed. The opposition has been through this bill and has decided that, on this occasion at this point, it will not support this legislation. Perhaps the bill should be withdrawn and there should be broader consultation. If anything, this piece of legislation should have been introduced and dealt with in the other place, and perhaps referred to a committee, where it could have had an opportunity for the public to have their say as to whether any additional seats should be created and certainly to have had the input of the Electoral Commission as to whether these seats are justified at this point. With those few words, the Labor opposition will not be supporting this bill.

**HON NICK GOIRAN (South Metropolitan)** [11.35 am]: I rise to speak to the second reading of the Constitution and Electoral Amendment Bill 2016. As I commence my remarks in consideration of this matter, I begin by noting that this is a private member's bill brought forward by Hon Martin Aldridge. I want to commence my contribution by making some general remarks with respect to private members' bills and how they ought best be managed by the house and then some specific comments about this particular private member's bill.

It ought to come as no surprise to members of this place that I continue to be an enthusiastic supporter of our parliamentary committees, and I continue to encourage our house, the collective members of this place, to keep top of mind that we are the house of review.

[Quorum formed.]

**Hon NICK GOIRAN:** I was saying just prior to that short interval that I would like to make some general remarks about private members' bills and then some specific remarks on this particular private member's bill. I was saying that it continues to be the case that I enthusiastically support the role of our parliamentary committees and to encourage our house, and members as a collective group, to continue to keep top of mind that we are the house of review and that that is the single most important function, in my view, of this place. If there comes a day when we are no longer prepared to take on that role, it is no wonder that the general public might ask: what is the point of having a Legislative Council?

As I say, it ought come as no surprise to members that I have previously said in this place that I support the idea that the default position for pieces of legislation is that they be referred to committees. I have said that with regard to all forms of bills. I start by indicating that I show no discrimination whatsoever to whether a bill comes from the government or from a private member. I have previously suggested that it might be a possible inquiry at some point, whether by the Standing Committee on Procedure and Privileges or any other interested appropriate body of this house, to consider whether all bills ought be sent to a committee, even government bills. I would be particularly interested in being involved in that inquiry. Nevertheless, I think that that default position—that aspiration of mine to one day see all bills referred to a committee for consideration—applies especially to private members' bills. I think a special distinction needs to be drawn on private members' bills simply because, as committed and enthusiastic as those members are to the policy of the proposal that they bring to our attention in the form of a bill, and noting that they have had the benefit of some assistance from Parliamentary Counsel, it nevertheless is the case that these private members' bills never have the benefit of the resources of government. Despite the various skills and talents of the members who make up the Legislative Council and, indeed, the limited staff that they have to assist them with these things, they are really a drop in the ocean in comparison with the very significant resources that government ministers have when they have the opportunity to present government bills. That is understandable. That is the way our system works in Western Australia and that is a very common way in which these matters are dealt with across the nation and across the Westminster system. I am not for a moment suggesting that private members should have the same level of resources as government; that plainly would be unfeasible. Nevertheless, we need to recognise that there is a distinction between private members' bills and government bills with respect to resources. That is why I say that if there was ever to be a default position on the referral of bills to committees, I think it should especially be the case for private members' bills, even though I show no discrimination because I have previously mentioned on multiple occasions in this place that that would be a good aspiration for us to have for all bills.

It is one thing to have a default position or a statement of principle or, as I referred to it today, an aspiration, but there will need to be some exceptions to that general principle. I would like to take the opportunity to just highlight a couple of those examples now. Members will appreciate that the appropriation bills, noting of the budget papers and those types of things will plainly be exceptions to the rule. They are not matters that as a default position would go to a committee. Why? Because in the case of the budget papers, for example, we have a specific committee—the Standing Committee on Estimates and Financial Operations—that undertakes a review of those budget papers. We generously give use of our chamber to that committee to consider the various aspects of the budget papers once a year. That is not a matter that requires special scrutiny because it already has some other kind of default position. A second example that I might bring to contrast that type of government bill would be a private member's bill. We have had a very useful debate on a couple of occasions on Hon Kate Doust's private member's bill, the Asbestos Diseases Compensation Bill 2013, which is a very good example of a bill that is being brought forward with good intent by a hardworking member of this chamber who does not have the benefit of the resources of government, but there will be exceptions to the rule. Members will remember that in that instance I indicated that I did not think that Hon Kate Doust's bill, being a private member's bill, should be referred to a parliamentary committee because the particular issue that is being addressed by the bill is currently under active consideration by the Law Reform Commission of Western Australia. It was my view that it would be unnecessarily duplicative for a parliamentary committee to spend its resources and time considering the matter that is actively before the Law Reform Commission. As I said, it seems to me that there ought always be exceptions to the rule but, in the first instance, there preferably ought to be a default position that bills are referred to committees, especially private members' bills.

I move on from those general remarks to consider the bill before us—the Constitution and Electoral Amendment Bill 2016, which was introduced by Hon Martin Aldridge. This private member's bill has not, by definition, had the benefit of the resources of government. It is clearly a bill that is being enthusiastically promoted by a hardworking member of this chamber and therefore requires our consideration. I then ask myself the question: would the Constitution and Electoral Amendment Bill 2016 fit my aspirational goal of being one that, by default, would be referred to a committee or might it be an exception to the rule? It seems to me that that was some part of the theme of what Hon Kate Doust was saying in her contribution moments ago. If I recall correctly—I note that she is in the chamber so she will have no hesitation in correcting me if I am wrong—her final conclusion

was that this matter probably should be referred to and dealt with by the other place. I take on board those comments by Hon Kate Doust. In a sense, part of me concurs with what she says; I can understand why she has said what she has said. I just explore the possibilities now as to how we might be able to handle this bill, which, as I say, has been quite rightly and enthusiastically brought to our attention by Hon Martin Aldridge, as is his right and as is the right of any member to bring a private member's bill to our attention.

*Visitors — Kalamunda Ladies Probus Club*

**THE ACTING PRESIDENT (Hon Liz Behjat):** Order, member. While you take a breath to have a glass of water, I would like to welcome into the public gallery the ladies from the Kalamunda Ladies Probus Club. You are very welcome in the Legislative Council public gallery today. I hope you enjoy your visit. You have come in during private members' business and we are debating a private member's bill with regard to the Electoral Act. Welcome.

*Debate Resumed*

**Hon NICK GOIRAN:** Prior to the recognition of the guests in the public gallery, I was considering how we might be able to handle the Constitution and Electoral Amendment Bill 2016 brought forward by Hon Martin Aldridge. Of course, one option that is available to us, and is perhaps the one that members might immediately consider, is whether there would be any appetite to refer the matter to the Standing Committee on Legislation. It is useful when considering whether a matter should go to the legislation committee to give consideration to the committee's terms of reference, which are contained in schedule 1 of our standing orders. For members who want to follow, they can be found at page 121 of the standing orders. I note that they state —

- 4.1 A *Legislation Committee* is established.
- 4.2 The Committee consists of 5 Members.
- 4.3 The functions of the Committee are to consider and report on any Bill referred by the Council.
- 4.4 Unless otherwise ordered, any amendment recommended by the Committee must be consistent with the policy of the Bill.

It is clear on the reading of that particular schedule at page 121 of the standing orders that the legislation committee would have the jurisdiction to consider this bill. Of course, if we were to send the bill to that committee, we would need to be aware that, as mentioned in the terms of reference, any amendment recommended by the committee must be consistent with the policy of the bill. The policy of the bill, of course, is usefully outlined in the second reading speech by Hon Martin Aldridge, one of the members for Agricultural Region. I cannot recall the date on which this bill was introduced to the house. Unfortunately, I do not have that information at my disposal this morning; I do not have the full notice paper with me. Nevertheless, we have available to us a copy of the second reading speech of Hon Martin Aldridge, which, of course, sets out the policy of the bill. When we consider the policy of the bill, it appears to me—it is useful that Hon Martin Aldridge is in the chamber at this time and this is perhaps something that he might clarify in his comments in reply at a later stage—that at least one aspect of the policy of the bill is to increase the number of members representing districts that make up the Legislative Assembly by two, from 59 to 61.

Here is a question for consideration by members: if the policy of the bill is to increase the number of members in the Legislative Assembly by two and the bill was referred to the legislation committee and, although the committee noted that clause 4 of the bill proposes to amend section 18 of the Constitution Acts Amendment Act 1899 to increase the number of elected members in the Legislative Assembly from 59 to 61, it wished to amend that number to 62, would the committee be permitted to recommend such an amendment? Would that be inconsistent with the policy of the bill? That is a matter that members should consider, because, if they are going to consider referring this matter to a committee in line with what I said earlier about my long-term aspirational goal that bills should, as a default, be referred to a committee, the question then is: should it be referred with or without the specific limitation outlined in clause 4.4 of schedule 1 of our standing orders found on page 121, which, as I said earlier, states —

Unless otherwise ordered, any amendment recommended by the Committee must be consistent with the policy of the Bill.

I have previously said that I have some reservation about handcuffing committees insofar as it has always troubled me that a group of hardworking members who are commissioned with the task of serving on a committee might discover certain things in the course of their inquiry and then find that they are not in a position to necessarily report such things to the house because someone might argue that that goes to the policy of the bill. Even though they might have a very important matter to draw to our attention, they are incapable of doing so out of fear of transgressing their terms of reference. With those comments in mind, I encourage members, if they are minded to agree with my opening remarks and my aspiration to see most bills referred to

a committee, to give serious consideration to the timing of such a referral and, most importantly, whether there should be any restriction or limitation on the committee undertaking the task of scrutinising the bill.

It is, of course, not the case that only the legislation committee is capable of considering this bill. Indeed, this perhaps goes some way towards touching on the earlier remarks of Hon Kate Doust. If I remember correctly, a private member's bill dealing with the issue of constitutional recognition was introduced into the other place. As I recall the passage of that matter, a message was sent to this place asking this house to agree to a proposal by the other place to establish a joint select committee. If my memory serves me correctly, that is what transpired in that particular instance. As I say, I do not have that information readily at hand, but, as best I recall, that is how that matter was dealt with and this house agreed to the establishment of such a joint committee. It was a joint select committee. I cannot recall exactly the composition of the committee other than it was uneven. It had a greater number of members from the other place and a lesser number from this place. I remember that quite vividly because I rose to make some remarks on my view about the uneven composition of the committee. If I recall correctly—I am happy to go back and double-check that this is exactly what I said—I said that there would never be a day again when I would agree to a proposal that sees this house having fewer members on such a joint committee. I have to say that nothing has happened in the elapsed time that would change my view about that. I draw that to members' attention because it goes somewhat to the heart of Hon Kate Doust's earlier contribution when she mentioned that we are dealing with a bill that will see a change in the composition of the members of the Legislative Assembly. She asked in her initial remarks why this bill was not introduced in the Legislative Assembly. That is a reasonable question to ask.

One way we might be able to address that is to consider the type of mechanism whereby a joint select committee might be established to consider this matter. That would perhaps address the concern of Hon Kate Doust that we have not quite had the benefit of understanding the view of members of the other place on such things. I think that was the general spirit of that contribution by Hon Kate Doust, and it warrants serious consideration by members. I would ask members to consider what our reaction might be if a private member's bill in the other house sought to change the composition of this house. If we are now proposing to change the composition of the other place, albeit that they would need to agree to that in any case, it is not unreasonable what Hon Kate Doust has said. She has asked to hear the views of those members from the other place, and one way in which we might be able to achieve that is by establishing a joint select committee.

As I said, that committee most certainly would need to comprise an even number of members of this place and the other place and would give consideration to the Constitution and Electoral Amendment Bill 2016, which Hon Martin Aldridge has drawn to our attention. That is another option available to members in how we might give proper consideration to this private member's bill, which, as I remarked earlier, regrettably, has not had the benefit of the resources of government, as is the case with all private members' bills. Nevertheless, if we have some appetite to consider the merits of the bill, it seems to me that if it is not one of those bills that might be plainly unsupportable on its face—I do not think that this is one of those bills; I think this bill does require appropriate consideration by members—it might best be dealt with by way of a committee. This afternoon I have outlined a couple of options for how that might be done. One is by way of a referral to the Standing Committee on Legislation of this house or, alternatively, the not unprecedented option of establishing a joint select committee. I ask members to give some consideration to those options. Hopefully, over time, there might be more and more members of this place who might also be enthusiastic about the aspiration of having a default position whereby all bills are referred to a committee, with some scope for exceptions.

I am not presently persuaded that anything in this bill would warrant it being an exception. I cannot see that being the case. Some factors that we might consider when deciding whether it would be an exception would include urgency. Perhaps Hon Martin Aldridge might consider this question in his remarks in reply a little later and indicate to the house the nature of the urgency of the bill. But I imagine as best as I can understand this bill and the policy of it as outlined in his second reading speech that the general intention would be for this bill to become law before the end of the year. That would make a lot of sense, particularly given the electoral cycle that we are in. That being the case, I think that there would be, in my humble opinion, sufficient time for a committee to give consideration to this matter and for the bills to make their way through the respective chambers. Indeed, might I add that I have been in this place and seen some bills pass at rapid speed; it is quite remarkable what can be achieved in this place when there is the will of all on a bipartisan basis.

I pause there to take up a point that was raised by Hon Kate Doust, who indicated that normally with these types of matters there is discussion across the parties. According to my notes, that was the substance of what she mentioned earlier in her remarks, and that is not unfair. Something of this nature, which would plainly have electoral implications, ought to be discussed across the parties. Indeed, one way in which that happens is this very debate. However, reading into the remarks by Hon Kate Doust, I understood her to mean that the discussion across the parties should be something more than just the debate in this house. Again, maybe one way that discussion across the parties could take place is by way of appropriate composition of members across the parties

on a committee, if it is indeed the will of the house at some later stage to refer this bill to a committee. It seems to me that it was not unreasonable for Hon Kate Doust to raise that, and I think that there is a mechanism by which that can be accommodated.

I take the opportunity at this time to further make the case for a joint select committee on the basis of the ruling given by the President earlier this morning. I thank Hon Simon O'Brien for raising that useful point of order, and of course I thank and respect the President for his ruling. It seems to me that, notwithstanding the ruling of the President, it is still a live option for this bill, if it were to pass this place, to be ruled out of order in the other place. That would be most unfortunate. One way in which we might avoid that occurring would be to establish this joint select committee. If the members of the other place and their presiding officer have any concern or dissent from what has been ruled on earlier today, it would be far better for us to find that out by way of disagreement to a message from this place suggesting the establishment of a joint select committee than by the far more disturbing way in which that would be done in the event that the bill received full scrutiny by, for example, the Standing Committee on Legislation and was given full consideration and debate by this house at both the second and third reading stages and was sent to the other place, only to then be ruled out of order by the presiding officer of that place. That would be a most disturbing episode. I think we can militate against that by way of a message suggesting the establishment of a joint select committee to give an opportunity, as Hon Kate Doust said, for discussion across the parties and to then report back in a prompt fashion. Hopefully, we might then see this bill, whether in its current form or some amended form, pass through with the speed with which we have seen some other legislation passed from time to time.

In the few minutes I have remaining I want to take up the point made by Hon Kate Doust. I am not quoting from anything here, but in essence she put the question: why was an alliance member introducing —

**Hon Kate Doust:** I actually said “coalition”; I never used the word “alliance”.

**Hon NICK GOIRAN:** Right. I appreciate that clarification from Hon Kate Doust. That is one of the benefits of having members present in the chamber—they are able to assist and make sure that we have the terminology absolutely correct. Hon Kate Doust was asking why this bill would be introduced as a private member's bill rather than as a government bill. That is not an unreasonable question to ask. Obviously, Hon Martin Aldridge will indicate his response to that in his replying remarks at a later stage. However, I want to pick up on that. I indicate to Hon Kate Doust that just because a member of this place supports the government, it does not limit their capacity to bring a private member's bill to this place. I would be most disturbed if that were the case. In effect, we would be saying that one would have to oppose the government in order to bring a private member's bill forward. I hope that that never takes place. Hon Martin Aldridge is quite within his rights to bring forward a private member's bill, whether it be this one—the Constitution and Electoral Amendment Bill 2016—or any other private member's bill. Indeed, Hon Kate Doust has her own private member's bill before the house, which is one on which I made some supportive remarks on a previous occasion. Just as Hon Kate Doust, a member for South Metropolitan Region who was duly elected by the people of that region, is entitled to bring a private member's bill to this place, and I support her capacity to do that, equally I support Hon Martin Aldridge's right as a member for Agricultural Region, duly elected by those people, to bring forward his private member's bill. I see nothing improper about that. The fact that he happens to be a member who chooses to support the government is in no way a restriction on his ability to do that.

**Hon Kate Doust:** But, member, it is more than that.

**Hon NICK GOIRAN:** He has the same rights and privileges, honourable member, as any other member. All 36 members of this place have the same rights and privileges. The only one with superior powers—I use that word carefully and somewhat loosely—is, of course, the presiding officer, Mr President, who has a special role to play. Otherwise, as a general observation, every member has the same rights and privileges. I do not see any reason why Hon Martin Aldridge should be chastised in any way for bringing forward a private member's bill. One never knows: there may be a day when I might be inclined to do such a thing as well, so I would certainly like to think that I would be able to do that, irrespective of which side of the chamber I happened to be sitting on. That is a right and privilege given to members by virtue of their membership of this place, bestowed on them due to their election by the people whom they represent. I most vigorously defend the right of Hon Martin Aldridge to bring forward a private member's bill, which in this case is the Constitution and Electoral Amendment Bill 2016.

There is very little time remaining, which is unfortunate. I would also like to pick up on the useful point made by Hon Kate Doust about the extent to which consultation has taken place on this matter. She specifically made reference to the Electoral Commission. I assume, because it was not clear, that Hon Kate Doust was referring to the Western Australian Electoral Commission, not to be confused with the Australian Electoral Commission, which of course are two different and distinct bodies. It is helpful that she is in the chamber to clarify in the event that I got that wrong or misunderstood her. I take it that Hon Kate Doust was referring to the Western Australian Electoral Commission and was asking whether it had been consulted on this bill. For what it is worth, I think that is a reasonable query. Once again, no doubt Hon Martin Aldridge will have an opportunity

to clarify that in his replying remarks a little later. However, the point I make is that that query by Hon Kate Doust does, of course, further make the case that if there has not been any such consultation with a body such as the Western Australian Electoral Commission, it should provide any submission that it might have by way of consultation to whichever committee might ultimately consider this matter, given that it is plainly a stakeholder in the implementation of the law that would exist in the event that the Constitution and Electoral Amendment Bill were passed by both houses. I do not think it was unreasonable for Hon Kate Doust to seek clarification on the extent to which consultation had taken place. As I say, Hon Martin Aldridge will no doubt inform us of that in due course. If it is the case that there has not been consultation with the Western Australian Electoral Commission, it can very easily be addressed by a committee. As I have, I hope, outlined for the benefit of members in my remarks today, one way in which that could be done would be through the establishment of a joint select committee, which would have the benefit of even representation between the respective houses and would also benefit this place by giving us the views of the representatives of the other place who might serve on such a committee. It would enable consultation to take place, including with the Western Australian Electoral Commission, in the event that that has not already happened. It would also address the point made by Hon Kate Doust about the need for discussion across parties and for that discussion to be more than just the debate that takes place in this chamber. I think the establishment of a joint select committee would address a whole raft of those factors. I ask members to give that some serious consideration as we continue to consider the question of the second reading of the Constitution and Electoral Amendment Bill 2016, brought to us by Hon Martin Aldridge. With those remarks, and as time is closing, I will leave it at that. I just ask members to give all those things due consideration.

**The ACTING PRESIDENT (Hon Liz Behjat):** I have given the call to the Leader of the House on the question that the bill be read a second time. However, time has elapsed for debate on this bill today, as it is private members' business, so it stands adjourned until a later date.

Debate adjourned, pursuant to standing orders.