



Curtin University

WA's Legislative Council Electoral Reform's Final Frontier

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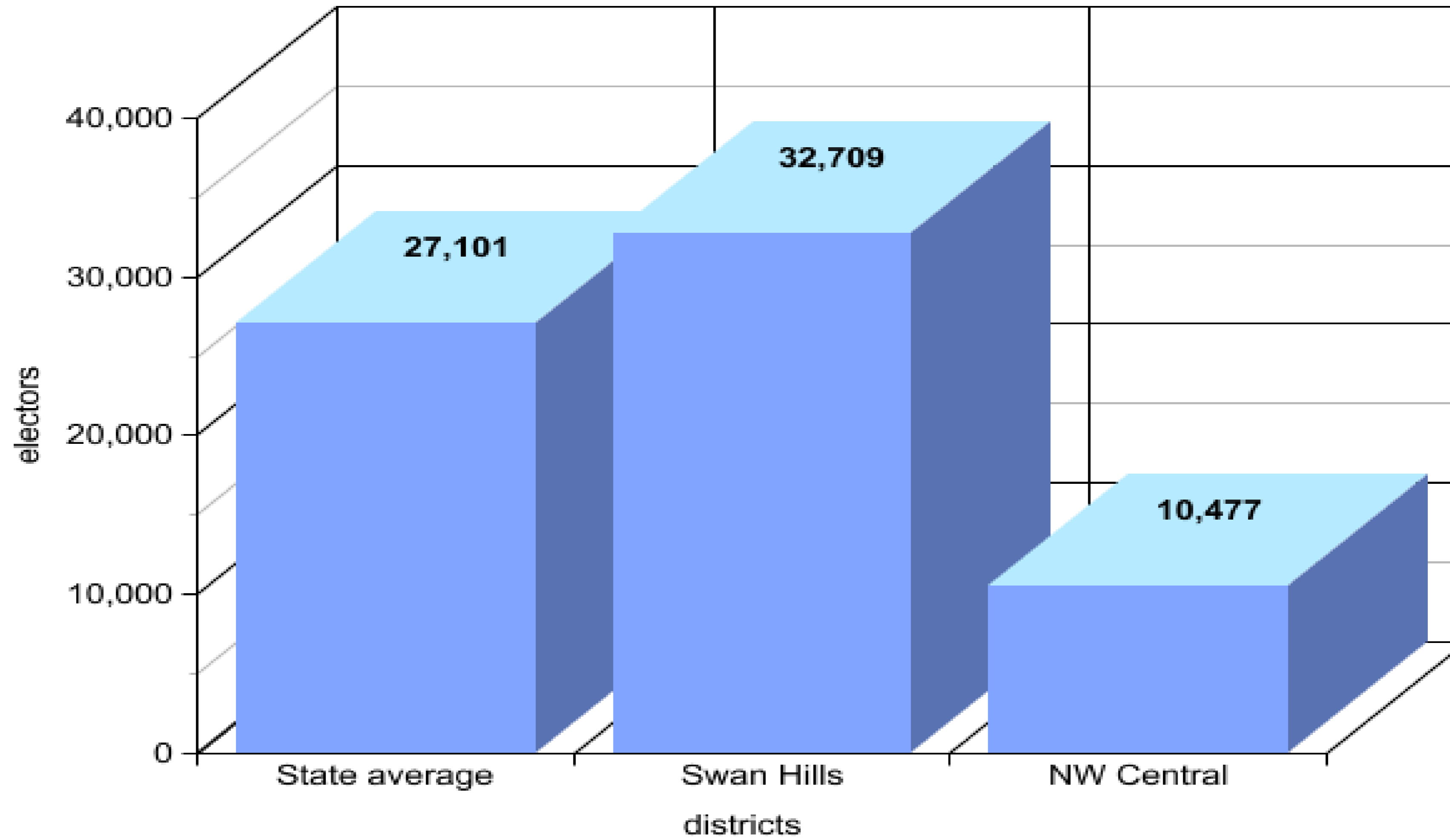
Dedication – Mal Bryce AO



Citizens do not have equal influence

Area	Enrolments (2017 election)	Assembly seats	Council seats
Metro	75.07%	72.88% [43]	50% [18]
Country	24.93%	27.12% [16]	50% [18]
State	100%	[59]	[36]

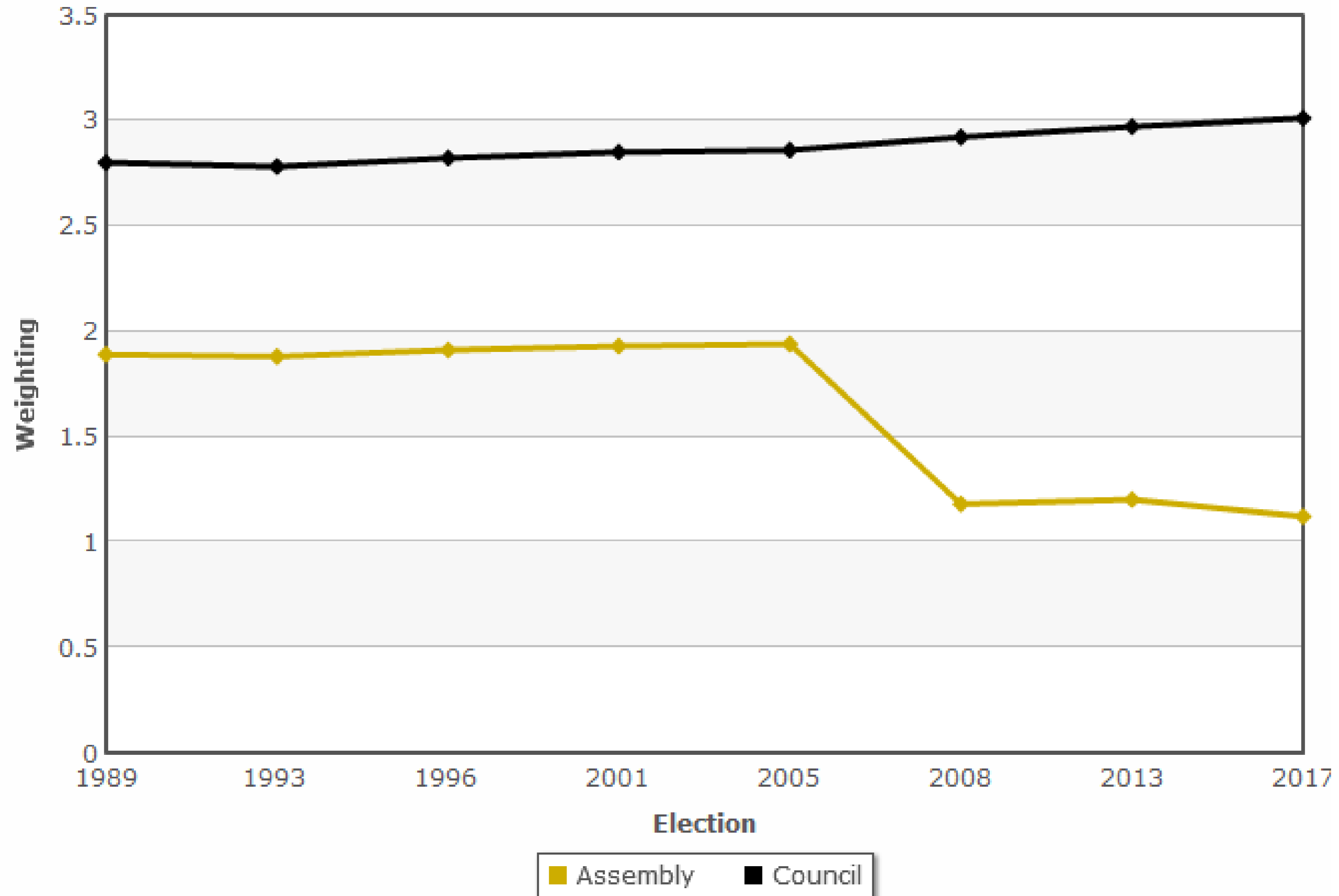
Inequality among electors in Assembly districts



Legislative Council vote weighting

Election	Metropolitan	Non-Metropolitan
1989	1	2.8
1993	1	2.78
1996	1	2.82
2001	1	2.85
2005	1	2.86
2008	1	2.92
2013	1	2.97
2017	1	3.01

Vote Weighting - Rest of State versus Perth



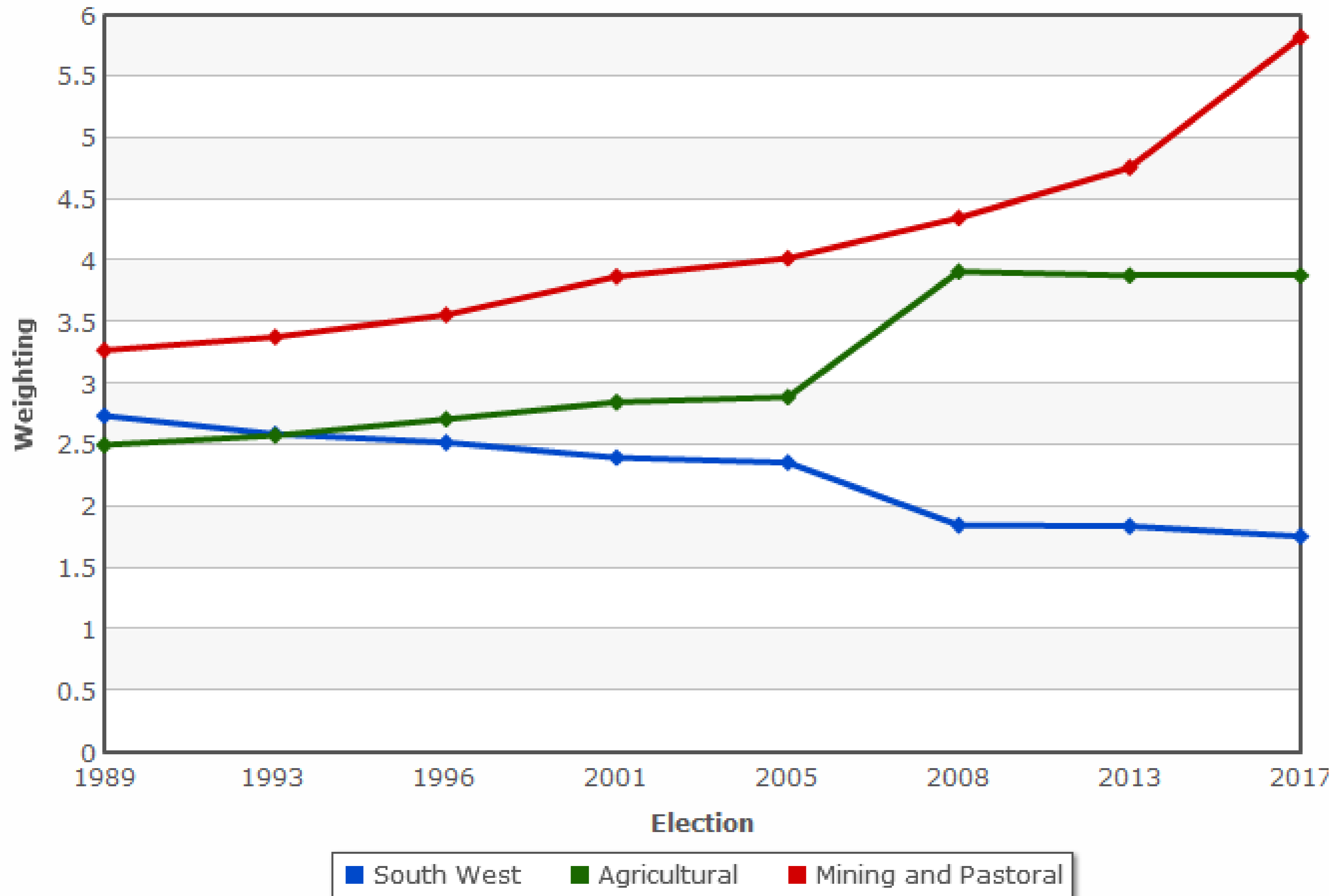
Number of Electors per Elected MLC

Election	Metropolitan	South West	Agricultural	Mining & Pastoral
1989	41,506	15,126	16,608	12,684
1993	43,977	16,951	17,075	13,023
1996	48,648	19,277	17,956	13,652
2001	51,720	21,518	18,174	13,380
2005	54,907	23,223	19,008	13,648
2008	55,058	29,800	14,092	12,668
2013	58,686	31,920	15,113	12,319
2017	66,441	37,675	17,125	11,413

Weighting per LC region (Metro = 1)

Election	Metropolitan	Non-Metropolitan	South West	Agricultural	Mining & Pastoral
1989	1	2.8	2.74	2.5	3.27
1993	1	2.78	2.59	2.58	3.38
1996	1	2.82	2.52	2.71	3.56
2001	1	2.85	2.4	2.85	3.87
2005	1	2.86	2.36	2.89	4.02
2008	1	2.92	1.85	3.91	4.35
2013	1	2.97	1.84	3.88	4.76
2017	1	3.01	1.76	3.88	5.82

Legislative Council Vote Weighting by Region



Votes per region (2017)

East Metropolitan	North Metropolitan	South Metropolitan	South West	Agricultural	Mining & Pastoral
344,852	343,361	357,242	199,499	90,637	50,564

Each region returns 6 MLCs

Mining & Pastoral vs. South Metro = 7:1

Agricultural vs. South Metro = 4:1

State / Territory Comparisons – Lower Houses

State or Territory	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Equal enrolment?	Yes	Yes	Yes	No	Yes	Yes	Yes	No
Electoral system	5 x 5 member electorates PR	93 districts, 1 MP each	25 divisions, 1 MP each	84 equal enrolment divisions; 5 districts with large area allowance, 1 MP each	47 districts, 1 MP each	5 x 5 member electorates PR	88 districts, 1 MP each	53 equal enrolment divisions; 6 districts with large district allowance, 1 MP each

State / Territory Comparisons – Upper Houses

State or Territory	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Legislative Council?	No	Yes	No	No	Yes	Yes	Yes	Yes
Equal enrolment?	-	Yes	-	-	Yes	Yes	Yes	No
Number of MLCs	-	42	-	-	22	15	40	36
Length of term	-	8 years (split)	-	-	8 years (split)	6 years (split)	4 years	4 years
Electoral system	-	Whole State is one electorate: PR	-	-	Whole State is one electorate: PR	15 equal enrolment divisions, 1 member each	8 x 5 member equal enrolment divisions, PR	6 x 6 member regions, up to 6:1 imbalance PR

How did we get here?

- 1832: Legislative Council established. Appointed only
- 1894-1962: 21 elected members (3 MLCs x 7 provinces); property qualification for voters
- 1962-1987: 17 x 2 member / split term 6 year electorates; universal suffrage, rural vote weighting (up to 11:1)
- 1987: 6 multi-member regions; 50:50 metro/rural, 5- or 7-member regions, using PR. Extreme vote weighting removed. 4-year terms. Party labels on ballots. WAEC established.
- 2005: 6 x 6 member regions; 50:50 metro/rural. LDAs.

Constitutional Considerations

- Absolute majority requirement (i.e. 19 votes / 36 MLCs) to revise key provisions of the Electoral Act, viz:
 - 6 defined regions
 - 6 members per region
 - Metropolitan boundary
- LC President has no deliberative vote (unlike the Senate)
- A reduction in seats requires a referendum

Design principles and considerations

1. (Greater) equality of voting value
2. Retain single (not staggered) terms for MLCs
3. Retain integrity and independence of electoral system, including boundary setting (including metro boundary)
4. PR: Minor parties should have opportunities to win seats
5. Majority of votes -> majority of seats (in region & state)
6. Odd number of MPs per region helps ensure principles 4 & 5

Current System

Region	MLCs per region	LA districts per region
East Metro	6	14
North Metro	6	14
South Metro	6	15
South West	6	8
Agricultural	6	4*
Mining & Pastoral	6	4*
* In some large districts, lower enrolments are permitted		

Proposal A – near-equality of votes

Region	MLCs per region	LA districts per region	Deviation from equal votes	Metro v. Non-metro split
East Metro	9	15	+1.7%	27 (75%)
North Metro	9	15	+1.7%	
South Metro	9	15	+1.7%	
South West	3	5	+1.7%	9 (25%)
Agricultural	3	5	+1.7%	
Mining & Pastoral	3	4	-18.6%	

Predicted result – Proposal A: near-equality

	ALP	GRN	LIB	LD	NAT	PHON	SFF
<i>2017 election</i>	14	4	9	1	4	3	1
2017	16	3	12	0	3	2	0
<i>2013 election</i>	11	2	17	-	5	-	1
2013	13	3	17	-	3	-	0



Proposal B – two new regions

Region	MLCs per region	LA districts per region	Deviation from equal votes	Metro v. Non-metro split
Central Metro	5	8 or 9	-2.4% - +9.8%	25 (69%)
East Metro	5	8 or 9	-2.4% - +9.8%	
North Metro	5	8 or 9	-2.4% - +9.8%	
South Metro	5	8 or 9	-2.4% - +9.8%	
South East Metro	5	8 or 9	-2.4% - +9.8%	
South West	5	8 or 9	-2.4% - +9.8%	11 (31%)
Agricultural	3	4 or 5	-18.6% - +1.7%	
Mining & Pastoral	3	4 or 5	-18.6% - +1.7%	

Predicted result – Proposal B: 2 new regions

	ALP	GRN	LIB	LD	NAT	PHON	SFF
2017 election	14	4	9	1	4	3	1
2017	16	4	11	0	3	2	0
<i>2013 election</i>	<i>11</i>	<i>2</i>	<i>17</i>	-	<i>5</i>	-	<i>1</i>
2013	14	1	19	-	2	-	0

Proposal C – incremental change: retain 6 regions, but 4 regions make a larger metro / S-W area

Region	MLCs per region	LA districts per region	Deviation from equal votes	Metro v. Non-Metro
East Metro	7	11 or 12	-4.1% - +4.6%	21 (58%)
North Metro	7	11 or 12	-4.1% - +4.6%	
South Metro	7	11 or 12	-4.1% - +4.6%	
South West	7	11 or 12	-4.1% - +4.6%	15 (42%)
Agricultural	5	8 or 9	-2.4% - +9.8%	
Mining & Pastoral	3	4 or 5	-18.6% - +1.7%	

Predicted result – Proposal C: incremental change

	ALP	GRN	LIB	LD	NAT	PHON	SFF
2017 election	14	4	9	1	4	3	1
2017	16	3	12	0	3	2	0
<i>2013 election</i>	<i>11</i>	<i>2</i>	<i>17</i>	<i>-</i>	<i>5</i>	<i>-</i>	<i>1</i>
2013	12	3	18	-	3	-	0

Option D – Whole of State

- Similar to Senate / NSW / SA
- Whole of State proportional representation voting
- BUT: retain 4-year terms, aligned with Legislative Assembly
- Advantages: equal vote value, no boundary rigging
- Disadvantages: large ballot paper, micro parties
- MP quota = 2.7% (with 36 seat LC), may increase minor parties
- Need tougher rules for nominating parties, stop ‘preference harvesting’ between parties without voter knowledge
- Possible options: raise minimum vote threshold to win seat; or reduce required preferences as per 2016 Senate reforms

Predicted result – Proposal D: Whole of State

	ALP	GRN	LIB	LD	NAT*	PHON	SFF
2017 election	14	4	9	1	4	3	1
2017	16	3	11	0	2	3	1
<i>2013 election</i>	<i>11</i>	<i>2</i>	<i>17</i>	-	<i>5</i>	-	<i>1</i>
2013	12	3	18	-	2	-	1
* Did not contest all regions							

Proposal E – 4 regions, with expanded metro and one non-metro

Region	MLCs per region	LA districts per region	Deviation from equal votes	Metro v. Non-Metro
East Metro	9	14 or 15	-5.1% - +1.7%	27 (75%)
North Metro	9	14 or 15	-5.1% - +1.7%	
South Metro	9	14 or 15	-5.1% - +1.7%	
Country	9	14 or 15	-5.1% - +1.7%	9 (25%)

Predicted result – Proposal E: 4 equal regions (3 metro, 1 country)

	ALP	GRN	LIB	LD	NAT	PHON	SFF
2017 election	14	4	9	1	4	3	1
2017	16	4	11	0	2	3	0
<i>2013 election</i>	<i>11</i>	<i>2</i>	<i>17</i>	<i>-</i>	<i>5</i>	<i>-</i>	<i>1</i>
2013	12	4	18	-	2	-	0

Predicted result – Summary

Year	Proposal	ALP	GRN	LIB	LD	NAT	PHON	SFF
2017	A	+2	-1	+3	-1	-1	-1	-1
	B	+2	-	+2	-1	-1	-1	-1
	C	+2	-1	+3	-1	-1	-1	-1
	D	+2	-1	+2	-1	-2	-	-
	E	+2	-	+2		-2	-	-1
2013	A	+2	+1	-	n/a	-2	n/a	-1
	B	+3	-1	+2		-3		-1
	C	+1	+1	+1		-2		-1
	D	+1	+1	+1		-3		-
	E	+1	+2	+1		-3		-1

Predicted Results – Summary

Liberal Party: gain 1-3 seats in all scenarios except proposal A (2013 – no change); i.e. No losses, whether LP do well (2013) or badly (2017).

ALP: gain 1-3 seats under all scenarios.

Nationals: lose 1-3 seats in all scenarios.

Greens: lose 1 (2017) or gain 1 (2013) under proposals A, C and D. No change (2017) or lose 1 (2013) under proposal B. No change (2017) or win 2 (2013) under proposal E.

PHON: go from 3 to 2 in A, B and C. Retain 3 seats in proposals D and E.

SFF: lose their 1 seat in A, B, C and E. Retain it in proposal D.

Lib Dems: lose their 1 seat under all scenarios.

What Now? Why Now?

- Democracy demands that the electoral system allows all citizens an equal say in how their Parliamentarians are elected.
- WA Legislative Council is the only malapportioned upper house in Australia; 10% of electors choose 33% of the members. Voters in the Mining & Pastoral region have 6 times the voting power of voters in the Metro area.
- Without reform, this situation will just get worse, indefinitely.
- Needs of electors in large / remote seats are already recognised through the LDA in the Legislative Assembly.
- The next electoral redistribution is due by March 2019. If change is to occur, we need legislative change before then.
- Change has happened before, it can happen again. Demand reform!
- Visit <http://members.iinet.net.au/~maggra/electoral.html>