

STATE ELECTIONS (ONE VOTE, ONE VALUE) BILL 2001: Second Reading

[Senator MURRAY](#) (Western Australia) (3.45 p.m.) —I move:
That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.
Leave granted.

The speech read as follows—

The history of democracy is a history of combating barriers to equality. While the theory of democracy prescribes rule and participation by the people, the practice of democracy has at times been the rule of men but not women, European Australians but not Aborigines, property owners but not itinerants or tenants. These are battles for the franchise that have been won, but not easily.

Battles for equality are never easy because those who benefit from inequality will defend the indefensible. Therefore equality must become a universal principle, one that is of supreme importance. The alternative is discrimination which usually descends into disadvantage. Ultimately, the principle that in a democracy all adults are entitled to one vote of equal weight must triumph over any vested interests.

Western Australia's electoral history records a slow and incomplete process of democratisation. Women were given the vote in 1899, although there was still a general exclusion of 'Aboriginal natives of Australia, Africa or Asia'. How neatly racist that phrase is. It was not until 1962 that Aborigines won the right to vote in WA's Legislative Assembly elections.

From 1870 there was a property franchise which restricted voting to the male head of the family and permitted plural voting. Under plural voting, each voter could vote not only in the electorate in which he lived, but also in any electorate in which he owned property of a certain value. Plural voting was abolished in the Legislative Assembly in 1904 but not until 1963 for Legislative Council elections.

It is an interesting parallel that current moves to democratise WA's State Parliament will not include the Legislative Council despite the fact that the need for reform is greatest in that House.

WA's electoral system remains a study in inequality. In the West Australian Legislative Assembly, non-metropolitan electorates account for 26% of voters but over 40% of the seats. There are 17 283 voters in the Mitchell electorate, but 9 415 voters in the electorate of Eyre. That is, a vote in Eyre counts for nearly twice that of a vote in Mitchell.

In the state's upper house, the malapportionment is even more pronounced. The average number of voters per member in the Mining and Pastoral Region is 13 380. In the East Metropolitan Region that figure is 53 509. The vote of a person in the Mining and Pastoral Region is worth nearly FOUR TIMES that of an East Metropolitan voter!

This is an affront to democracy. It offends the basic one vote one value principle.

During the last state election, the West Australian Labor Party promised to reform the electoral system should it win government. Now in office, it

appears that it may be unable to get its full reform agenda through the state's upper house.

After achieving an excellent upper house result under the current electoral system, the Greens are unfortunately advocating the retention of malapportionment for that house. Incongruously, they support changes to abolish malapportionment in the lower house in which they have no members. This is despite the fact that malapportionment in the upper house is far more pronounced.

Supporters of the status quo argue that rural voters are entitled to the greater voice that the existing malapportionment affords. Senator Lightfoot argued in a recent letter to the Collie Mail (19/7/2001):

"Reducing the number of rural electorates would make the rural voice irrelevant to parties like Labor, the Democrats and Greens who are cultivating anti-rural policies. Most of us know that our standard of living still depends to a very large degree on our natural resource based industries. We also know Labor and their allies are willing to impede land-based development through green and Aboriginal politics despite the impact it has on all of us, but especially the rural population."

That the Democrats are engaged in the cultivation of any anti-rural policies is palpably untrue. Regardless, Senator Lightfoot would like to see a minority singled out to enjoy greater voting power. After all, the argument goes, rural voters are a group whose interests are not adequately taken into account by the political process.

But how do you choose which minorities to give these special rights to? Why not give aborigines or the greens a weighted vote? Historically, their voice has been drowned out by a majority insensitive to their interests. Or what about the homeless, the poor or the unemployed? How about women or the disabled, young men or those without tertiary education? Where would it ever stop? How do you develop criteria to determine which minorities should be given a weighted vote?

Senator Lightfoot only offers the group with whom he sympathises most, rural voters- those who oppose the 'green and Aboriginal politics' which Senator Lightfoot criticises. At least part of the argument seems to be that rural voters should be given greater voting rights because he likes their politics. A more anti-democratic notion is difficult to imagine.

Eight out of Australia's nine legislatures broadly comply with the one vote one value principle, but the establishment of the principle as a matter of federal law would place a check on the future re-establishment of any inappropriate electoral privilege. If one vote one value is good enough for the eight other legislatures and their political parties, why is it not good enough for WA?

This bill, like the principle behind it, is very straightforward. In short, it provides that the one vote one value principle must be observed in state and territory elections as closely as possible.

The bill applies to both houses of state parliaments in those states that have bicameral legislatures. The mechanism set out in the bill is based on the recommendations of the WA Commission on Government (Report No. 1, p. 302 & p. 342).

A quota of voters is calculated by dividing the total State enrolment, projected four years in advance, by the number of electorates. Each electorate must be as nearly equal in size as possible but, in any case, not varying by more than 15% from the quota of voters with any variation to have regard to a variety of factors.

The overriding factor is the community of interest in the area. Other factors include the means of communication with, and its distance from, the capital city of the State, the geographical features of the area and any existing boundaries, including local government boundaries.

The right to seek judicial review of matters raised under this bill extends to, but is not limited to, registered political parties and any member of the House of Parliament to which the action relates.

This bill provides federal Labor with the opportunity to demonstrate that it shares the commitment to democracy displayed by the Gallop Labor Government in Western Australia. Unfortunately, the WA Government does not have the numbers it needs to get its full reform agenda through the Legislative Council. This leaves it to the Federal Parliament to ensure that the democratic rights of Australian citizens are observed.

Since the 60's the Labor Party has been particularly strong about the principle of one vote one value, first introducing legislation in the Federal Parliament in 1972/3. In recent years the ALP has taken the matter to the High Court with respect to the West Australian electoral system. They should therefore be expected to support this move to enshrine the one vote one value principle in federal legislation.

During the 70's, 80's and 90's the principle of one vote one value, with a practical and limited permissible variation, was introduced to all federal, state and territory electoral law in Australia, except in WA. As far back as February 1964 the US Supreme Court gave specific support to the principle.

No doubt, some will characterise this as unwarranted interference in state matters by the Federal Parliament. This is not so. Australia is a signatory to the International Covenant on Civil and Political Rights, Article 25 of which confers the right 'to vote and be elected at genuine periodic elections which shall be by universal and *equal* suffrage.'

We have an obligation in international law to ensure that basic standards of democracy are observed throughout Australia. It would not be appropriate for the Federal Parliament to set out every detail for the conduct of state and territory elections. However, it is appropriate for our national Parliament to exercise the external affairs power in s 51 (xxix) of the Constitution to ensure that a basic standard of democracy exists throughout the country to bring us into line with our international obligations.

Australia is an advanced democracy. We have come a long way in eliminating electoral privilege. Far from the days when huge sections of the community were denied the right to vote, it is now accepted that the franchise should extend to all but a very few adults. Equally important is the principle that all votes should carry equal weight. It is untenable to resolutely defend the right of all Australians to vote while at the same time supporting a system whereby the votes of some count for up to four times the votes of others.

I commend this bill to the Senate.

Debate (on motion by **Senator Calvert**) adjourned.