

To the Electoral Distribution Commissioners

Hon Wayne Martin - Chief Justice of Western Australia

Mr Warwick Gately - Electoral Commissioner

Mr Michael Tindall - Government Statistician

Please accept this submission about your division of the State in to districts and regions. The broad purpose of this submission is to suggest that where possible the redistribution should minimise malapportionment.

1. Large district allowance

[a] A consequence of the mathematics within Section 16G (3) and (4) is that in practice the average district enrolment could be more than 550 above the 21,350 established by Section 16G (1). Figures on the Electoral Commission web site show the large district allowance has the potential to add 33,360 to enrolments. It seems to me that if you first created the districts in that part of the State where application of the large district allowance is predicted, the enrolment remaining elsewhere would signal the extent to which the practical district average had to rise. This could rise to above 21,900 thus generally decreasing the available upper tolerance from 10% to 7.4%.

[b] The more districts in which enrolments are increased by the addition of a large district allowance the better the prospect of minimising the degree of malapportionment. It is a question of whether it is fairer to have one or two districts far below the State average district enrolment or to have a greater number of districts showing malapportionment at a reduced level.

2. Legislative Council regions

The old Electoral Distribution Act gave no directions to the Commissioners about how many districts should be contained with each region. Under that law, previous Commissioners have allocated districts to each region in proportion to its representation in the Legislative Council, the only deviation being by one district between the Agricultural and the Mining and Pastoral regions. Now, under Section 16H (1)(a)(i) a similar number of districts per region is required in the three Perth regions. It is probable that these regions will contain well above 10 districts each and consequently significant malapportionment in comparison with non-metropolitan regions.

I suggest that you endeavour to minimise malapportionment among the three non-metropolitan regions by allocating as nearly as possible an equal number of districts in them. Even with an equal number of districts significant

malapportionment is likely following application of the large district allowance in one of the regions. This imbalance should not be compounded.

3. Metropolitan Region Scheme Boundary

A degree of flexibility has been created in Section 16H (1)(a)(ii) about which electors to place inside or outside of the three Perth regions. May I suggest that you use your discretion to allocate the least possible number of districts in these regions?

The rationale being that allocating fewer districts to the three Perth regions will reduce the malapportionment between them and the three other regions. Also, since this redistribution will create similar enrolments in districts either side of the boundary separating the three Perth regions from the others, the boundary will cease to affect levels of representation in the Legislative Assembly. But the boundary remains relevant to the Legislative Council and to regulation of the level of malapportionment in representation to it.

Approximately half of the electors in the current districts of Wanneroo, Swan Hills, Darling Range, Serpentine-Jarrahdale and Peel could be included in non-metropolitan regions with the objective of allocating 13 districts in each of the three Perth regions.

The table below contains estimates of enrolments for two arrangements, one with 13 districts and one with 14 districts in each of the three Perth regions. The predictions of the effect of these two arrangements on malapportionment do not refer to the Mining and Pastoral region because the greater depression of enrolments there is uncertain.

	Arrangement of 13		Arrangement of 14	
Region 6 MsLC each	Number of districts	Enrolment per region *	Number of districts	Enrolment per region *
Nth Metro	13	284,908	14	306,824
Sth Metro	13		14	
East Metro	13		14	
Agricultural	7	153,412	6	131,496
Sth West	7		6	
M & P	6	N/A	5	N/A
Metro:Country imbalance		1.86:1		2.33:1
* Enrolment estimates include the rise brought about by the large district allowance. See Item 1, page 1.				

4. Matters on which the Commissioners may wish to report

I am not aware of a provision which would prevent comment on any matter related to the redistribution and its purpose to create the foundation for representation in our State Parliament . You are after all, equivalent to a Royal Commission. I invite you to comment on the following in your report.

The most prominent matter is the degree of malapportionment, particularly in representation to the Legislative Council and the report will inevitably illustrate large imbalances.

Another matter is uneven numbers in proportional elections.

When six Members of the Legislative Council are elected by proportional representation in a region this can hinder the accurate reflection of choices by voters. To succeed a Member must gain 14.3% of the vote which means that for a group to win a majority, i.e. four of the six seats, they would have to gain not the normal 50% but 57.2% which is extraordinarily difficult. A corollary is that Party A could receive 57.1% and Party B 42.9%, a clear decision by voters, but each would win three seats. Winning the vote may not translate into winning the election. Under proportional representation the election of an uneven number will more accurately reflect the votes cast.

Thank you for the opportunity to convey my suggestions to you.

Yours sincerely

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