

4 May 2007

Mr Justin Harbord
Secretary to the Electoral Distribution Commissioners
GPO Box F316
PERTH WA 6841

Dear Mr Harbord

New Western Australian Electoral Boundaries

This letter contains the suggestions of the Greens (WA) as to matters that should guide the Commissioners in determining the 2007 Electoral Distribution.

Requirements in the Electoral Act

We acknowledge that to a large extent these matters are set out in the *Electoral Act 1907* ("the Act") and would like to take this opportunity to highlight the relevant requirements.

First, the Act establishes some specific numerical limits, based on the 'one vote one value' principle, for the 59 electoral districts that return members to the Legislative Assembly. Generally, Commissioners must ensure that the number of electors in a district is within 10% of the average district enrolment as at 26 February 2007, although some variation from this principle is allowed for districts that have an area of 100,000 square kilometres or more.

Second, the Act specifies some general principles and particular requirements as to how the Commission is to divide the State into the 6 regions that return members to the Legislative Council. The general principles are that the regions generally reflect the recognised communities of interest and land use patterns in the State. The particular requirements include:

- The North Metropolitan Region must be generally to the north of the Swan River;
- The South Metropolitan Region must be generally to the south of the Swan River;
- The East Metropolitan Region must include the hills and foothills of the Darling Escarpment;

- The three metropolitan regions must each consist of approximately the same number of complete and contiguous districts and must together form an area that is coextensive with the metropolitan area of Perth;
- The Mining and Pastoral Region must form an area that is remote from Perth and in which the land use is primarily for mining and pastoral purposes;
- The Agricultural Region must form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region and in which the land use is primarily for agricultural purposes; and
- The South West Region must include coastal and forest areas in the south-west of the State.

Third, the Act specifies some factors that should be taken into account in deciding electoral boundaries for districts and regions. It provides that in making the division of the State into regions and districts the Commissioners shall give due consideration to:

- community of interest;
- land use patterns;
- means of communication and distance from the capital;
- physical features;
- existing boundaries of regions and districts;
- existing local government boundaries; and
- the trend of demographic changes.

Comment on the Electoral Act's requirements

One point that we would make, by way of comment on the Act's requirements, is that particular weight should be given to community of interest and land use patterns when determining the Legislative Council regions. This is because section 16H of the Act specifically requires that the regions 'generally reflect the recognised communities of interest and land use patterns in the State'.

A second point that we would make by way of comment on the Act's requirements is that variation is *permitted* from the 10% rule in districts over 100,000 square kilometres, but it is not *required*. Variation in the number of electors in each district should be minimised to the greatest extent that is practicable so that equality of voting power is preserved as far as possible. One ground on which variation could be allowed is where the evidence shows that the 'ombudsman' function of Members of Parliament – that is, dealing with the concerns and requests of constituents – cannot be adequately performed over very large districts that would be created under strict application of the 'one vote one value' principle.

In emphasising the need to preserve equality of voting power so far as possible in the Legislative Assembly, we are conscious of the fact that regional Western Australia has a strong voice in the Legislative Council. This approach, of equality of voting power so far as possible in the Assembly and regional representation in the Council, is analogous to the Australian

Parliament and consistent with the Greens advocacy for the Legislative Council as a 'State Senate'.

We would like to draw the attention of Commissioners to the concept of 'effective representation', which lies behind the 'State Senate' model. This term was referred to by Greens MLC Christine Sharp in her contribution to the Second Reading Debate on the *One Vote One Value Bill 2005* when she cited the following passage from the judgment of McClachlin J in *Reference re Prov. Electoral Boundaries (Sask.)*, [1991] 2 S.C.R. 158:

It is my conclusion that the purpose of the right to vote ... is not equality of voting power per se, but the right to "effective representation"... [P]arity of voting power, though of prime importance, is not the only factor to be taken into account in ensuring effective representation...[S]uch relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation; the list is not closed.

Finally, we would emphasise that the Act requires that the North Metropolitan Region must be *generally* to the north of the Swan River and the South Metropolitan Region must be *generally* to the south of the Swan River. However, the regions do not have to be exclusively located in these areas. We believe that as long as the 'communities of interest' principle is respected, the traditional divide between the North and South of the Swan River can be regarded as being flexible.

The matters we have referred to above represent the principles that we believe should be applied by the Commissioners in determining the 2007 electoral distribution. We look forward to commenting in more detail at later stages of the consultation process on the suggestions of other parties and on the Commissioner's draft proposals for electoral boundaries.

Yours sincerely,



Robin Chapple
Co-Convenor, Greens (WA)