

The 2008 Western Australian State Election: The Snap Poll Blunder*

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Following the 6 September 2008 election in Western Australia, and a week of tense negotiations, the presence of 'wall to wall' Labor Governments across Australia was broken. In a significant moment in the evolution of the Western Australian Parliament an 'alliance' headed by Colin Barnett, the Liberal Party leader, formed government for the 38th Parliament. Remarkably, Barnett had been reinstated to the party leadership a few days before the campaign 'caretaker phase'.¹ The Liberal Party leadership had successively been in the hands of Matt Birney (to March 2006), Paul Omodie (to January 2008) and Troy Buswell,² each of whom had returned very poor poll readings. With the Liberal's experiencing long term serious leadership problems, both the polls and pundits had been predicting a Labor return to office with Alan Carpenter to remain as Premier. However, Carpenter's decision to call a snap election, the first since the passage of the 'one vote one value' legislation for the Legislative Assembly, nearly six months ahead of schedule broke a century of tradition in the State whereby governments served a full term. There were vital pieces of legislation lying on the table³ and the scheduled regional sitting of the Legislative Assembly in the marginal seat of Bunbury in early

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¹ Colin Barnett had resigned as the Liberal Party leader on 9 March 2005 soon after the 26 February 2005 election loss to the Labor Party.

² As late as 18 July 2008, a Westpoll indicated Alan Carpenter was the preferred Premier over Troy Buswell by 62 to 12 per cent. See Robert Taylor (2008), 'The right Liberal leader could win the next election, says Constable', *The West Australian*, 18 July, p. 4.

³ Amanda Banks (2008), 'Labor leaves vital pieces of business lying on the table', *The West Australian*, 8 August, p. 4. The legislation included controversial sentencing laws, contentious surrogacy legislation and high profile inquiries by parliamentary committees.

September had been overlooked. It left a columnist to observe that 'Carps [had] it all to lose'⁴ as the polls suggested an electoral volatility much dependent on the perception of the major party leaders. The subsequent narrow loss of government quickly led to the resignation of Carpenter with former Treasurer Eric Ripper being unanimously elected Leader of the Opposition. Moreover, the Australian Labor Party (ALP) soon appointed a former Victorian Senator Robert Ray to conduct a review of the reasons for the defeat.

The Assembly 'one vote one value' Redistribution and the Council Changes

The shape of the electoral map for the 2008 election was to differ significantly from the previous electoral boundaries as the so-called 'one vote one value' legislation for the Legislative Assembly had gained passage through the Parliament after the 2005 poll. As announced by the Redistribution Commissioners on 29 October 2007 there were 42 (up from 34) metropolitan districts and 17 (down from 23) country districts in the Legislative Assembly, which was expanded from 57 to 59 seats. A common state wide quota, set at 21,350 electors, had been determined with provision for a 'large district allowance' for districts beyond 100,000 square kilometres in area. This meant that for the election the average enrolment in the metropolitan area was 22,275 compared to 19,066 in non-metropolitan seats. Prominent election analyst, Antony Green, calculated that if the next election was fought on the new boundaries it would require at least a uniform swing of 3.6 per cent for Labor to lose government, a Liberal/National majority would require a 4.5 per cent swing with a 5.8 per cent swing required for a Liberal majority. No change in the two-part preferred figure would provide Labor with a nine or ten seat majority.⁵

The introduction of 'one vote one value' was not extended to the Legislative Council where the balance between metropolitan and non-metropolitan remained essentially unchanged with a ratio of 1 to 2.8 'rural weighting'. The Chamber was expanded from 34 to 36 members with each of the six regions to have six members compared to five or seven under the old system. However, the Perth metropolitan area with some 74 per cent of the State's voters still had only 50 per cent of the Legislative Council seats. Average enrolment per member of the Legislative Council (MLC) was 51,975 in Perth compared to 18,007 for the country regions.⁶ Unusually in the Agricultural Region there were now six Members of the

⁴ Joe Sagnolo (2008), 'Carps has it all to lose', *The Sunday Times*, 17 August, p. 89.

⁵ Antony Green (2007), *2007 Redistribution Western Australia: Analysis of Final Electoral Boundaries*, Election Papers Series No. 2/2007, Perth: Parliamentary Library of Western Australia, p. 1. The likelihood of Independent candidates had to be included in the equation. Green also emphasised he was not making a prediction.

⁶ Antony Green (2007), *2007 Redistribution Western Australia: Analysis of Final Electoral Boundaries*, Election Papers Series No. 2/2007, Perth: Parliamentary Library of Western Australia, p. 1.

Legislative Council (MLCs) compared to only five Members of the Legislative Assembly (MLAs).⁷ Predictions for the outcome in the Upper House poll were not undertaken as the determination of the final seat in each Region, even with over 95 per cent of ticket voting, was fraught with complications as the political parties often attempt to be strategic rather than ideological in their registered preference distributions.

Labor Leadership and the Burke and Grill Factor

Labor had raised its first preference vote from 37.24 per cent to 41.88 per cent between 2001 and 2005 with Dr Geoff Gallop as the ALP Leader. However, in a shock development on 16 January 2006 Gallop resigned due to ill health and was quickly replaced by former journalist Alan Carpenter. The new Premier, though, had to grapple with the return of the spectre of former Premier Brian Burke and ministerial colleague Julian Grill, who still had contacts and support within the ALP. For the Liberal Party the name of former Senator Noel Crichton-Browne was also prominent in the circle of lobbyists who were the subject of investigations by the Corruption and Crime Commission (CCC) and Parliamentary Committees, but it was Labor that mostly had to face the political fallout. In November 2006 Minister Norm Marlborough had resigned from the Labor Cabinet as a consequence of the Corruption and Crime Commission (CCC) investigation, and release of taped telephone calls with Burke, which had commenced in 2005 into the so-called Smith's Beach affair concerning funding irregularities in a Busselton Shire Council election. Gallop had placed a veto on the long serving Marlborough's presence in the ministry due to his links with Burke, but Carpenter had lifted the ban. A comfortable by-election victory in February 2007 for Marlborough's seat of Peel helped Carpenter's electoral standing but a series of widely publicised CCC findings and Parliamentary Committee reports containing references to numerous high profile public figures, particularly Labor Ministers and Members, carried electoral consequences particularly when links to Burke and Grill were part of the picture. For instance John Bowler in early 2007 was forced to resign from his ministerial portfolios and then from the Labor Party to eventually successfully fight the 2008 election as an Independent for the seat of Kalgoorlie. Tony McRae had to resign from the Ministry and then attempt to retain his seat of Riverton which he had only marginally won in 2005 only to then narrowly lose in 2008. From CCC hearings came a revelation that MLC Shelley Archer had leaked government documents to close ally Burke, an action which Premier Carpenter had called 'reprehensible'.⁸ Archer was later forced out of the Labor Party, significant as Archer was married to leading trade unionist Kevin Reynolds. Meanwhile John D'Orazio also lost his place in the Ministry before being expelled from the ALP to

⁷ Liz Kerr and Harry Phillips (2008), 'Western Australia Parliamentary Chronicle: July 2007 to August 2008,' *Australasian Parliamentary Review*, 23(2), Spring, p. 276.

⁸ Harry Phillips and Liz Kerr (2007), 'Political Chronicle, Western Australia January to June 2007,' *Australian Journal of Politics and History*, 53(4), December, p. 640.

be then be re-instated with a clearance from wrong-doing, before resigning in order to seek the seat of Morley. As D'Orazio adopted a strategy of directing preferences away from Reece Whitby, a prominent television reporter who was the endorsed Labor candidate, it contributed significantly to Labor's loss of the seat.

As Robert Ray stated in the public version of his ALP election review, titled 'Just One Seat Short':⁹

The exposure of the lobbying activities of Brian Burke and Julian Grill and their suborning of Cabinet Ministers, public servants and other key players, contributed more than anything else to the destruction of the Labor Government.

The constant adverse publicity corroded Labor's vote. The suspension or dismissal of Ministers disrupted Government and imposed a massive burden on the Premier, thus subsuming all other positive measures taken by the government.

Other post-election commentary had not given so much weight to the Burke and Grill political lobbyist factor but part of the Carpenter response to the possible damage to Labor was a determination, despite not being factionally aligned, to play a key role in the pre-selection of candidates. Some of the selections, both in the Legislative Assembly and Legislative Council, caused immense friction within the party with public reservations being expressed by Ministers Michelle Roberts, John Kobelke and Margaret Quirk.¹⁰ Jaye Radisich who had won two tight marginal seat contests for the ALP in 2001 and 2005 was keen to win pre-selection for newly created notionally safe Labor district of West Swan. Carpenter's decision not to support this quest created tension which was exacerbated by both Radisich's decision to leave politics at 32 years of age and a disagreement over an episode at a function in Bunbury.¹¹ Carpenter's Chief of Staff, Rita Saffiotti, was to gain the Premier's imprimatur to go forward and win West Swan. In Mount Lawley, Bob Kucera, at 63 years of age was deemed by Carpenter to be too old with pre-selection going to more youthful journalist Karen Brown. The contest in Mount Lawley eventually was won by Deputy Lord Mayor of Perth, Michael Sutherland, who was a strong candidate, but it is widely considered that Kucera could have won the critical seat for Labor.

The electoral redistribution, created both opportunities and tensions for the political parties. Labor's new candidates were depicted as the 'dreamteam' but as several of them were 'parachuted' into the various districts they had to withstand criticism that they were 'outsiders'. Political analyst Peter van Onselen considered 'the parachuting in of so-called star candidates [had] backfired in the most extraordinary way'. There were wins for Saffiotti, Lisa Baker in Maylands, Janine

⁹ Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election', p. 5.

¹⁰ Jessica Strutt (2008), 'Ministers reject Premier's pre selection picks', *The West Australian*, 23 April, p. 4.

¹¹ For a brief coverage of the so-called 'lifting the top' episode in Bunbury in 2004 see Jessica Strutt (2008), 'Radisich leaves with no regrets', *The West Australian*, 13 August, p. 5.

Freeman in Nollamara, Roger Cook in Kwinana and Bill Johnston in Cannington but Anne Wood (Jandakot), Juliana Plummer (Kalamunda), Louise Durack (Ocean Reef) were significant casualties as were the aforementioned Reece Whitby and Karen Brown.¹² What also had been overlooked was that of Labor's 13 most marginal seats only four were being contested by a sitting Labor MP. As election analyst Antony Green stated 'while the Labor Party had the advantage of being an incumbent government, the nature of the redistribution meant that the advantage an incumbent government would normally have had in key marginal electorates was greatly weakened.'¹³

On the other hand the Liberal Party also experienced some pre-selection frictions although they did not carry the same electoral consequences. One unusual problem emanated from the pre-selection of Diedre Wilmott, a Chamber of Commerce executive and former Chief of Staff to Premier Richard Court, for the safe Liberal seat of Cottesloe. This selection had been made on the assumption that Colin Barnett was going to retire from Parliament. Eventually, Wilmott, for the benefit of the party made way for Barnett to retain his seat. In nearby Nedlands sitting member Sue Walker who had resigned from the Liberal Party in February 2008 was not able to fend off a challenge from Bill Marmion the endorsed Liberal candidate who had been a former Premier and Cabinet employee in the Richard Court government. Difficulties also surrounded the fate of former leader of the party, Paul Omodie, who eventually decided not to seek pre-selection for Blackwood–Stirling. Omodie then eyed a position on the Legislative Council ticket for the South West region but subsequently resigned from the party after prolonged internal party deliberations.

Former Deputy Liberal Leader, Dan Barron-Sullivan, had resigned from the party in February 2008 following an earlier indication that he would not contest the next election after his lower house seat was redistributed out of existence. Sullivan had been a strident opponent of the 'one vote value' legislation and was uncomfortable with the policy direction of the Liberal Party citing its contemplation of support for the Government's plan to relax the laws on trading hours, despite its negative referendum result of 2005. In a surprise move in June 2008, Sullivan announced he would lead the newly labeled WAFamilyFirst.comparty, an off-shoot of its federal Family First counterpart.

One electoral problem, and major criticism directed at the Liberal Party, was the absence of women candidates. During the campaign the preparedness of long serving Independent Dr Elizabeth Constable to be seen on the hustings with Colin Barnett helped the Liberal image in this regard. In fact in the Legislative Assembly no woman was chosen by the Liberal party to contest a safe Liberal Party seat.

¹² Cited in Grahame Armstrong (2008), 'Chosen ones choke', *The Sunday Times*, 7 September, p. 10.

¹³ Antony Green (2009), 2008 Western Australian Election, 6 September 2008: Analysis of Results, Report prepared for Western Australian Parliamentary Library, p. 4.

Of the six women endorsed for the 59 seats success was limited to sporting administrator Andrea Mitchell in Kingsley and businesswoman Lisa Harvey in Scarborough. The situation, though, was better in the Legislative Council where five women were elected on Liberal Party tickets.¹⁴ On the other hand the Labor Party, which introduced a quota system for women contesting parliamentary elections from 1994 to ensure women could contest a share of winnable seats, pre-selected 20 women with seven being elected. In the Legislative Council six ALP women members were elected from the Labor region tickets out of a total of only 11 ALP members returned to the chamber. The Nationals, too, created history with two women (Wendy Duncan and Mia Davies) winning upper house seats. Three of the Greens WA total of four MLCs (Giz Watson Lynn McClaren and Alison Xamon) were women. In summary, though, while Western Australia has boasted a host of historical firsts for women in politics the Parliament's membership of women was at only 23 per cent after 22 May 2009, significantly below the 30.5 per cent national average.¹⁵ The figure was higher for the Legislative Council at 30.5 per cent compared to only 18.6 per cent in the Legislative Assembly. At one stage during the leadership of Troy Buswell there were frequent suggestions that the women's vote for the Liberal Party was suffering, but this was apparently alleviated by polling day with the ascension of Colin Barnett.

Meanwhile, the likelihood of serious pre-selection squabbles for the National Party evaporated when former leader Max Trenorden, rather than contest the newly created Central Wheatbelt seat against Nationals Leader Brendon Grylls, decided to nominate for a Legislative Council seat in the Agricultural Region. In turn National Party President Wendy Duncan, (who had filled a casual vacancy to replace Murray Criddle in early 2008), agreed to contest an upper house seat in the Mining and Pastoral Region. This meant that each of the sitting National Party members in the Legislative Assembly had a winnable seat to contest. This was the outcome with Brendon Grylls winning easily, Terry Redman gaining Blackwood–Stirling, Terry Waldron retaining Wagin, and Grant Woodhams, soon to be made Speaker, defeating sitting Liberal Gary Snook in the newly constituted seat of Moore. Unfortunately Snook was to be one of the two Liberals (with Dr Steve Thomas) to lose a seat in the new Legislative Assembly.

Early Poll

Speculation of an early election was in the air at least from mid-May 2008. A Westpoll published on 19 May 2008 indicated 57 per cent of respondents opposed the idea with only 36 per cent giving their approval for an early election. The same poll indicated that Alan Carpenter led Troy Buswell as the preferred premier by a

¹⁴ See Peter van Onselen (2008), 'Libs too blokey', *The Sunday Times* 17 August, p. 74.

¹⁵ See Janet Wilson and David Black (2009), 'Women Parliamentarians in Australia, 1921–2009', Parliament of Australia, Library Background Note, p. 45.

resounding 62 per cent to 15 per cent.¹⁶ Carpenter could have terminated the speculation by stating that the next general election would be held on schedule in February 2009. But when he did visit the Governor some three months later on 7 August 2005 to request an election it was justified on the ground that it was necessary to end the 'damaging speculation'.¹⁷ While Senator Ray judged Carpenter's handling of the Burke and Grill factor 'as superb',¹⁸ he regarded the early election decision as a 'serious misjudgment by the leader'.¹⁹ Remarkably the call was made just one day after Colin Barnett's return to the Liberal Party leadership following Troy Buswell's 4 August resignation. Buswell, a capable parliamentarian, had his credibility dented with publicity about antics which had been described as 'party tricks'.²⁰ Carpenter, though, had apparently not consulted with his key senior ministerial colleagues immediately before the election announcement. It was also reported that the State ALP Secretary, Bill Johnston, who had to withstand criticism that he both had to spearhead the campaign as well as being a candidate for the district of Cannington, was not in favour of an early poll.²¹

The possibility of a deterioration of economic conditions had substance with negative international and national financial indices being given daily coverage. This had to be coupled with the impact of the North-West Varanus Island gas explosion on 3 June 2008 which was being felt in several sectors of the economy. Clearly, though, it was thought Barnett as the new leader and experienced Minister would be denied sufficient time to place his stamp on the Opposition policies and performance. The possibility that 'Comeback Colin' Barnett may be vulnerable under the pressure of the disparate influences and personalities of the Liberal Party was apparently not given much weight. Moreover, some commentators thought that conjecture over the early election call would fade, but it lasted for the whole campaign as 'it abrogated the principle of fair play'²² and was as tagged as being 'cynical and opportunistic'.²³ As indicated by a Westpoll on 18 August 2008, and associated media coverage, the early election call played into a belief that 'arrogance' was publicly deemed as a problem for the government although it was

¹⁶ 'Westpoll', *The West Australian*, 19 May 2008, p. 4.

¹⁷ Robert Taylor (2008), 'Carpe diem: Labor aims to cash in on Libs' woes', *The West Australian*, 8 August, p. 1.

¹⁸ Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election,' p. 5.

¹⁹ Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election,' p. 8.

²⁰ See Liz Kerr and Harry Phillips (2008), 'Western Australia Parliamentary Chronicle: July 2007 to August 2008,' *Australasian Parliamentary Review*, 23(2), Spring, pp. 273–74.

²¹ John Halden (2008), 'Why Labor's election campaign went wrong', *The West Australian*, 29 September 2008, p.14. Johnston was successful in his quest for Cannington.

²² Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election,' p. 8.

²³ Peter van Onselen (2008), 'Libs too blokey', *The Sunday Times*, 17 August, p. 74.

probably more accurate to suggest that Carpenter had his own distinctive style rather than being arrogant in his approach. Other key issues in the unprompted poll were health, law and order, environment, education and the cost of living.²⁴

For his part Barnett spoke in a surprisingly confident tone about the opportunity to create history and possibly snatch victory. Prominent political journalist Robert Taylor had observed in late July 2008 that 'today's Westpoll result makes it clear that West Australians want to at least consider voting Liberal at the coming State election but will only do so if Colin Barnett is leader'.²⁵ In Liberal ranks it was realised that the federal election conducted some 10 months earlier in November 2007 had in Western Australia returned excellent results for the Liberal Party, checking the national swing to the Rudd Labor government. The Liberal Party primary vote was 46.3 per cent for 11 seats, whereas Labor had only gained 36.8 per cent of the vote for only 4 seats. In addition a snap poll in the Northern Territory, which had just taken place on 8 August 2008, had registered a major swing against the incumbent Labor government. Just how significant was the 'keep the balance' factor in the Australian federation whereby voters, particularly swinging voters, desire for a Labor Party government in Canberra to be balanced, or checked by a Liberal government in the State, was unclear. Although difficult to calculate the magnitude of the 'keep the balance' factor there were regular derogatory references from the 'conservative side' of politics about the presence of 'wall to wall' Labor governments. The Ray Report indicated that the 'balancing act' had 'some traction', which 'was accentuated by the fact that Kevin Rudd was less popular in WA than he was in the rest of the country'.²⁶

Another factor, also difficult to quantify, was the strength of the electorate's belief that the rotation of power is beneficial to the polity. Since the introduction of four year terms in most States the incumbent government has become vulnerable to defeat after two terms. In Western Australia if the broad political party classification of Labor versus Non-Labor is employed, perhaps a more difficult exercise with the recent narrowing of the major party ideological divide, the record in the last century from 1908 has been very nearly 50 years to each side of the political spectrum. Given all the factors at work in Western Australian politics, particularly its excellent economic indices in terms of growth, employment, investment and Triple A financial rating, cyclical politics as the Ray Report again concluded 'was not insurmountable'.²⁷

²⁴ Westpoll, *The West Australian*, 18 August 2008, p. 4.

²⁵ Robert Taylor (2008), 'Lib prospects in Barnett's hands', *The West Australian*, 26 July 2008, p. 6.

²⁶ Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election,' p. 4.

²⁷ Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election,' p. 4.

The Final Fortnight

As the first fortnight of the campaign was swamped by coverage of the Beijing Olympics, it gave the Liberal Party time to assemble its policies under their new leader.²⁸ Ironically, too, it helped to make the Liberal Party a ‘small target’. The early poll meant that the pool of volunteers was reduced and importantly the ALP government was not able to settle the long running teacher’s dispute. The inability to meet the teacher’s demands on salary and other conditions was said to be ‘a substantial vote switcher’.²⁹ Indeed the Liberals ran a very effective television advertisement which asked viewers to ‘name 3 things Labor has done’. Strangely, it did not draw a response from the Labor strategists. As John Halden, a former State Labor MLC and party secretary was to observe, the first round of ALP advertisements were filmed before the election and were based on community attitudes to Troy Buswell but ‘there was no research on Colin Barnett’.³⁰ Halden was also critical that seasoned ALP campaigner, federal member for Brand and former national secretary, Gary Gray, as well as Federal Foreign Affairs Minister Stephen Smith, ‘were not in the engine room’.³¹ The decision to leak internal Labor polling that the ALP was struggling in several marginal and the diversionary tactic of banning uranium mining³² and preventing the production of genetically modified (GM) crops, contrary to stances by Federal Labor, were not effective. Significantly, Halden thought there was a dearth of well developed policy with ‘the greatest policy gaffe’ by Carpenter and his former Chief of Staff Rita Saffioti (who was also a successful candidate for the new safe seat of West Swan), was to ‘not offer tax relief in its election commitments — and no one overruled them’.³³ Significantly, though, an article by *The West Australian* features’ journalist Paul Murray, some 10 days before the poll contended ‘Colin Barnett served up stale fish to the Liberals’ biggest financial backers at a 500 Club lunch in the form of a tax policy’. He added that ‘the Liberal tax policy was too timid [and] too light on detail’. He recounted how he had not met one person in WA who thinks the Carpenter Government isn’t overtaxing or who is happy with Eric Ripper’s massive surpluses.³⁴

²⁸ See Robert Taylor (2008), ‘Barnett admits lack of policy detail, but insists Libs can govern’, *The West Australian*, 5 September, p. 1.

²⁹ Robert Ray (2008), ‘Just One Seat Short: A Review of the 2008 Western Australian State Election’, p. 8.

³⁰ John Halden (2008), ‘Why Labor’s election campaign went wrong’, *The West Australian*, 29 September, p. 14.

³¹ John Halden (2008), ‘Why Labor’s election campaign went wrong’, *The West Australian*, 29 September 2008, p. 14.

³² Robert Taylor, Yasmine Phillips and Jessica Strutt (2008), ‘Labor does U-turn on uranium’, *The West Australian*, 27 August, p. 5.

³³ John Halden (2008), ‘Why Labor’s election campaign went wrong’, *The West Australian*, 29 September, p. 14.

³⁴ Paul Murray (2008), ‘Failure to play the tax card has lost it for Libs’, *The West Australian*, 28 August, p. 20.

After disagreement over the rules the regular campaign television leader's debate was conducted on Monday evening 25 August 2008. Some 57 per cent of the studio audience of 30 'swinging voters' thought Carpenter had won the 'telly tussle'³⁵ but Channel 9 which transmitted the debate lost out on ratings to its commercial rivals. It was reported more people watched Annemarie Carpenter the Premier's 'glamorous wife', on Channel 7's 'Today Tonight', than her husband in the 'Leader's Debate'.³⁶ Electorally, though, one newspaper caption the following morning was also headed 'debate changes little and the leaders tread softly'.³⁷ Barnett, who had used his appearance in the same debate in 2005 to announce his controversial project to build a canal from the Kimberley region, was not prepared to take a risk on taxation, or any other major platform.³⁸

Once again there were criticisms that the minor parties did not participate in the debate format. The polls suggested that the Greens were likely to improve their vote as sections of the electorate had increasingly come to the realisation that climate change and other major environmental concerns had to be addressed. Of course such policies had been part of long term sustainability platform of the Greens. But for the 2008 election their policy preparation was matched by the National Party who had reacted to their threatened loss of party status after the 'one vote one value' legislation had been passed with a carefully planned 'balance of power' strategy. This was formulated some two years before the official campaign, but it was focused on the effective slogan 'royalties for regions'. It involved the redirection of government spending from the major population centre, particularly Perth, into the rural areas of the State. This spending would be funded by setting aside 25 per cent of the State's mining and petroleum royalty revenue. Grylls indicated that some adjustments may be necessary if the global financial downturn jeopardised the States' finances. It was clearly a matter to monitor as almost immediately after the election the Under Treasurer, Tim Marney, issued a public statement saying that the 'royalties to regions' policy could threaten the sovereign triple A credit rating which would cause an increase in the cost of short-term funding in Western Australia.³⁹

Prior to election day neither the Labor Premier Carpenter, nor the Liberal Leader of the Opposition Colin Barnett, would agree to endorse the National's package. But election night dramatically altered the situation. The Nationals were placed in a

³⁵ Adshead@Large (2008), 'How Mrs Carpenter outpulled the worm', *The West Australian*, 27 August, p. 7.

³⁶ Paul Murray (2008), 'Failure to play the tax card has lost it for Libs', *The West Australian*, 28 August, p. 20.

³⁷ Robert Taylor (2008), 'Debate changes little as the leaders tread softly', *The West Australian*, 26 August, p. 6.

³⁸ See David Black and Harry Phillips (2005), 'Colin's Costly Canal and Labor's Window of Opportunity: The 2005 Western Australian Election', *Australasian Parliamentary Review*, 20(2), pp.64–78.

³⁹ 'Impact of Royalties For Regions Policy on State Finances', Media Statement, Department of Treasury and Finance, 10 September 2008.

position of 'king-maker' although they had only gained four lower house seats with 4.84 per cent of the vote concentrated outside the metropolitan area. Labor had fallen two seats short of the required 30 for government with a 35.84 per cent of the vote, down 6.05 per cent from 2005. The Liberal Party with a higher 38.39 per cent of the vote, a rise of 2.76 per cent had secured 24 seats. The Greens had gained 11.92 per cent, a jump of 4.35 per cent, but their dispersed support did not return a seat. Significantly, three Independents were to loom large in the determination of the government. Experienced Dr Elizabeth Constable and Dr Janet Woollard, who was to begin her third term, indicated they would support a Barnett government. John Bowler, a former Minister, who was first elected as a Labor member in 2001, indicated that on most issues he would support the Nationals. It meant that if the Liberals, Nationals and Independents combined in an 'alliance' for a total of 31 seats which in likelihood would fall back to 30 on the floor of the chamber following the election of a Speaker.

Crucial close encounters led to criticism of the Western Australian Electoral Commission for the failure to post speedy results, particularly the two-party preferred calculation in each district. The snap poll, which reduced the number of candidates compared with recent elections, had exacerbated problems surrounding the administration of the election particularly for the training of some 7,000 casual staff. More than 100,000 electors (7.5 per cent of the electorate) cast early votes, requiring eligibility checks, prior to election day. For a week, as close seats were decided, the public was apprised of the respective negotiations of Carpenter and Barnett with Brendon Grylls and the hierarchy of the National Party. It was not a *fait accompli* that the Nationals would support the Liberals, their traditional coalition partners, particularly as it was rumoured that leader Brendon Grylls and Party President Wendy Duncan had an inclination to go into coalition with Labor.⁴⁰ Labor has entertained an agreement with similarities to the South Australian arrangement which saw a National Party Minister sitting in a Labor Cabinet. Eventually, though, the Nationals had to also take into account their 'balance of power' position in the Legislative Council from 22 May 2009. With this factor considered a decision was made to sign an agreement with Barnett, for an 'alliance' government elevating Barnett to the post of Premier and Grylls accepting the major Regional Affairs portfolio but not the role of Deputy Premier. The latter position went to Dr Ken Hames, a senior minister in Richard Court's former Coalition Government.

⁴⁰ Joe Spagnolo and Anthony Deceglie (2008), 'Grylls told not to go with Labor', *The Sunday Times*, 14 September, pp. 8–9.

Table One: 2008 WA State Election: Summary of Legislative Assembly First Preference Votes (State Wide Totals)⁴¹

ROLL 1,330,399						
Party	Candidates	Seats Won	Change	Votes	% Votes	Swing
Liberal Party	58	24	+8	418,208	38.39	+2.76
Labor Party	59	28	-10	390,339	35.84	-6.05
Greens	59	..	..	129,827	11.92	+4.35
National Party	12	4	+1	53,086	4.87	+1.18
Independent	25	3	+1	47,353	4.35	+0.19
Christian Democratic Party	46	..	..	28,079	2.58	-0.36
Family First	34	..	..	21,204	1.95	-0.08
Citizens Electoral Council	9	..	..	1,161	0.11	+0.02
One Nation	..	..	..	..	..	-1.64
Others	..	..	..	..	..	-0.38
Formal	302	59	..	1,089,257	94.68	-0.08
Informal				61,240	5.32	+0.08
Total Votes				1,150,497	86.48	-3.34

Seats Changing Party

Liberal gain from Labor (1)	Albany (Labor MLA, Peter Watson re-elected).
Liberal gain from Labor (11)	Bunbury (Liberal MLA, John Castrilli re-elected). Darling Range (Liberal MLA, John Day re-elected). Jandakot (Liberal MLA, Joseph Francis). Kingsley (Liberal MLA, Andrea Mitchell). Morley (Liberal MLA, Ian Britza). Mount Lawley (Liberal MLA, Michael Sutherland). Ocean Reef (Liberal MLA, Albert Jacob). Riverton (Liberal MLA, Michael Nahan). Southern River (Liberal MLA, Peter Abetz). Swan Hills (Liberal MLA, Frank Alban). Wanneroo (Liberal MLA, Paul Miles).
Independent gain from Liberal (1)	Kalgoorlie (Independent MLA John Bowler).

Note: On the new electoral boundaries, Albany had become notional Liberal seat while Bunbury and Darling Range became notional Labor seats. Geraldton also became a notional Liberal seat so the defeat of the sitting Labor MP is not shown as a Liberal gain. There were also contests between sitting MPs in the seats of Collie–Preston and Moore. In addition, three MPS contested seats after leaving the party for which they were elected at the 2005 election. Former Liberal Sue Walker was defeated contesting her seat of Nedlands as an Independent. Former Labor MP John D'Orazio was defeated contesting the new seat of Morley as an Independent. Former Labor MP John Bowler was elected contesting Kalgoorlie as an Independent.⁴²

⁴¹ Antony Green (2009), 2008 Western Australian Election, 6 September 2008: Analysis of Results, Report prepared for Western Australian Parliamentary Library, p. 5

⁴² Notes also attributed to Antony Green (2009) 2008 Western Australian Election, 6 September 2008: Analysis of Results, Report prepared for Western Australian Parliamentary Library, p. 5.

Legislative Council Results

As mentioned the decision of the Nationals to form an ‘alliance’ with the Liberals (and Independents) necessarily had to take into account the results in the Legislative Council. The ‘alliance’ in the 36 seat Legislative Council (from 22 May 2009) would have a total 21 members with 16 Liberal seats and five for the Nationals, a comfortable majority after the appointment of the President. Labor, though, had been reduced to 11 seats so it would have been necessary to secure Green votes to add to the Nationals numbers for a majority. The Greens had moved from two to four seats on the strength of a rise in their vote in 2005 of 7.5 per cent to 11.1 per cent. Of course this meant that as the Greens were not in a ‘balance of power’ situation their influence looked likely to diminish in the 38th Parliament. A fly in the ointment for the ‘alliance’ was the 8 December petition lodged with the Court of Disputed Returns by Anthony Fels the unsuccessful Family First candidate for the Agricultural Region. Fels had previously been elected as a Liberal member for the Agricultural Region in the Legislative Council at the 2005 election but had lost his Shadow Ministry post in the so-called 2007 ‘Leaks to Lobbyists Affair’ (which had also involved Labor MLC Shelley Archer)⁴³ before eventually resigning from the Liberal Party. Fels claimed that 5,405 ballot papers within the Central Wheatbelt district were delivered in unsealed ballot boxes and packages. A second aspect of the challenge was that Mia Davies National Party candidature and post-election employment was variously in breach of the *Constitution Acts Amendment Act 1899*, and the *Electoral Act 1907* together with its regulations.⁴⁴ Davies had reportedly sought advice on the matter and been informed by then Department of Premier and Cabinet Director Mal Wauhope (who soon after the election was replaced by Peter Conron and moved to the position of Public Sector Commissioner) that she was free to assume the post. Significantly, though, on 4 December the Legislative Assembly had concurred with a motion in the Legislative Council that the relevant section 38 ‘be disregarded’ in the case of Mia Davies, enabling her to be re-instated as a member elect.⁴⁵ Perhaps of some comfort to the Electoral Commission was how the distribution of surplus votes be according to the newly adopted Weighted Inclusive Gregory Method, rather than the Inclusive Gregory Method as used in the past, had worked smoothly.

⁴³ See Liz Kerr and Harry Phillips (2008), ‘Western Australian Parliamentary Chronicle July 2007 to August 2008’, *Australasian Parliamentary Review*, 23(2), Spring, p. 269.

⁴⁴ See Petition, Hon. Anthony Fels, *Government Gazette*, WA, 20 January 2009, pp. 137–39.

⁴⁵ See Legislative Assembly Debates, 4 December 2008, pp. 1001–1007.

**Table Two: 2008 WA State Election:
Summary of Legislative Council Results (State Wide Totals)⁴⁶**

ROLL 1,330,399

Party	Seats Votes	% Vote	Swing	Won	Change
Liberal Party	443,064	39.60	+2.48	16	+1
Labor Party	404,389	36.14	-7.21	11	-5
Greens	123,942	11.08	+3.56	4	+2
National Party	59,505	5.32	+3.13	5	+4
Family First	28,149	2.52	+0.51	..	..
Christian Democrats	25,962	2.32	+0.04	..	..
One Nation	7,012	0.63	-0.96	..	..
Daylight Saving Party	6,806	0.61	+0.61	..	..
Citizens Electoral Council	2,975	0.27	+0.21	..	..
New Country Party	555	0.05	-0.26	..	..
Independents / Unaffiliated	16,480	1.47	-2.11	..	..
Formal	1,118,839	97.17		36	+2
Informal	32,643	2.83	-0.35		

Observations: Turnout and Media

The Labor Party during the length of the campaign had gone from almost certain electoral victory to a narrow loss. One adage that Labor tends to perform more poorly if turnout diminishes, had a measure of support in the election as the turnout had slid by 3.5 per cent, despite an attempt by the WA Electoral Commission to advertise the benefits of participation in the poll. The highest three turnouts were in the keenly fought seats of Kingsley with 90.5 per cent where Liberal newcomer Andrea Mitchell defeated the incumbent Judy Hughes; in Collie–Preston where the former was Member for Capel, Dr Steve Thomas, whose seat had been abolished in the redistribution was to narrowly lose the new seat of Collie–Preston to Labor's Mick Murray with a 90.3 per cent turnout; in Cockburn the turnout was 90.3 per cent with newcomer Roger Cook, who after the election was surprisingly elevated to the post of Deputy Labor Leader narrowly defeated Independent Mayor of

⁴⁶ Antony Green (2009), 2008 Western Australian Election, 6 September 2008: Analysis of Results, Report prepared for Western Australian Parliamentary Library, p. 30.

Kwinana, Carol Adams, who had previously been an ALP member;⁴⁷ and in Albany (Carpenter's old home town) Peter Watson retained his seat for a third time with a narrow win over Andrew Partington where there was a 90.1 turnout. The lowest turnout readings were in districts within the Mining and Pastoral region with the districts of Kalgoorlie at 76.4 per cent and Kimberley at 62.0 per cent — suggesting that compulsory voting (attendance) is far from achieving its goal in that region of the State. In fact when Parliament did sit, newly elected Liberal Party MLA, Dr Mike Nahan, a prominent public affairs policy analyst, chose to advocate the abolishment of compulsory voting in his inaugural speech partly on the basis that 'it allows parties to take people for granted'.⁴⁸ Although Nahan had won the seat of Riverton (ahead of Tony McRae) by only 64 votes he did not postulate his margin may have been greater with voluntary voting. Of course the reduction in turnout did reduce the public funding potential for the political parties for the 2008 poll which was the first State general election with public funding provisions. Based on electoral support in both the Legislative Assembly and Legislative Council the rate was set at nearly \$1.58 per vote, providing the party threshold of 4 per cent of the valid vote was secured.⁴⁹

Another variable was the media coverage, particularly the front page headlines. For Labor this had been a bone of contention which had provoked more annoyance since the appointment in August 2003 of the youthful Paul Armstrong as editor of *The West Australian*. Whereas former Premier Geoff Gallop had been more circumspect in his dealings with the media Premier Alan Carpenter, in concert with Jim McGinty, as both Health Minister and Attorney General, chose to counter attack by publicly criticising the newspaper over its unfavourable coverage of Labor's performance. The Labor viewpoint was contained in the Ray Report which stated:⁵⁰

- Labor's election prospects were constantly undermined by the intensely negative attitude of the media.
- In particular, the *West Australian* was toxic...the spite that emanated from the *West Australian* spread to the rest of the media as though it was the norm.
- It is easy to blame the Premier or Jim McGinty for these poor relations but any attempts by them to repair the relationship were constantly rebuffed.
- More thought need to be given to by-passing hostile media and using alternative means of communication.

⁴⁷ Amanda Banks (2008), 'Mayor quits ALP to run as Independent', *The West Australian*, 13 August, p. 7.

⁴⁸ Legislative Assembly Debates, 13 November 2008, p. 306.

⁴⁹ Amanda Banks (2008), 'Political parties take \$3m from taxpayers', *The West Australian*, 26 September, p. 1

⁵⁰ Robert Ray (2008), 'Just One Seat Short: A Review of the 2008 Western Australian State Election', p. 15.

Ironically, by the time the election was expected to be held in February 2009 Armstrong had departed as editor of *The West Australian*.⁵¹ Of course six months after the September 2008 poll election the economic indices of the State had deteriorated, although not in accordance with the magnitude experienced in the international and national markets. It must be asked if the voters would have preferred the Labor incumbent government with a number of experienced, senior ministers in looming troubled times or whether they may have sought an alternative government as happened during the Great Depression. This query can never be answered but it noteworthy that in Western Australia there was immediate contemplation of fixed term governments as is the case in New South Wales, Victoria and South Australia (as well as the Australian Capital Territory). Even Carpenter, a fortnight into the campaign made the claim that while ‘we had to provide people with the opportunity to put new people in the Parliament’, also said he would support fixed terms if he won the election.⁵²

Leadership and Volatility

Whether or not constitutional amendments are made to ensure a fixed term in the Legislative Assembly it is doubtful that any Premier would call an early election in the foreseeable future in Western Australia for tactical reasons if the government held a majority. ‘Go the full term’ of government is a maxim that can be drawn from the outcome of the 2008 election. Another political conclusion that once again became obvious during the 37th Parliament (2005 to 2008) was the significance of the credentials of the political party leaders. Poor leader ratings in terms of the electorate’s satisfaction or the ‘preferred premier’ statistic had a critical bearing on the electoral fate of the government and opposition. There are critics of the modern poll driven politics,⁵³ however, for one reason or another such as sheer parliamentary inexperience, lack of policy command, adeptness with the media and civic standards, the succession of Liberal Party leaders Matt Birney, Paul Omodie or Troy Buswell could not lift their poll ratings, or that of their party, sufficiently close to the readings of either Geoff Gallop or Alan Carpenter as Labor leaders. Once the experienced former Minister Colin Barnett accepted the leadership at the eleventh hour there was a dramatic change in the political fortunes of the Liberal Party.

It is universally accepted that Labor conducted a poor campaign. In an attempt to revamp or modify its image with a so-called ‘dream team’ it failed to engage the electorate as too many candidates were said to be ‘parachuted’ into their districts. Moreover, many of the candidates without the advantage of incumbency were pre-

⁵¹ Paul Armstrong left *The West Australian* in mid January 2009.

⁵² Robert Taylor (2008), ‘Carpenter backs laws for 4-year fixed terms’, *The West Australian*, 21 August, p. 7.

⁵³ See Jeff Carr (2008), *I Do Recall: Reflections on a Social and Political Journey*, Glen Waverley: Sid Harta Publishers, pp. 509–510.

selected for marginal seats. The sole Labor focus on Carpenter, instead of its strong ministerial team, gave the Liberals the chance to ‘campaign with Colin’. The National Party, with an imaginative ‘royalties for regions’ slogan, conducted a well researched and long campaign concentrated in the non-metropolitan districts and regions where success was possible. Greens WA presented the electorate with policy cohesiveness but the electoral system did not return them the same dividend as the Nationals. Whilst there were policy differences between the major Labor and Liberal parties, there was no major item of policy differentiation that deeply divided the state-wide electorate. Shopping hours that loomed as a policy difference did not eventuate.⁵⁴ However, Carpenter had not anticipated the return of the spectre of Burke and Grill which emerged from the CCC reports. Labor, too, contended that a negative media had unfairly conveyed the impression that Carpenter and his government had become arrogant. The final polls, which indicated the possibility of a hung parliament were accurate, although simultaneously there was also an overwhelming view that Labor would still win the election.⁵⁵ The ‘one vote one value’ legislation, with Labor deemed as the net beneficiary did not carry the incumbent government over the line as was widely expected. The tracking of the polls did show the volatility of the modern electorate,⁵⁶ particularly with respect to party leadership coupled with less ideological policy differences between the major parties. In conclusion, though, if a major blunder is made, such as a premature election date given the State’s political traditions, electors will readily shift their vote and government can be lost as happened in Western Australia leading to a historically new ‘alliance’. ▲

⁵⁴ Paul Murray (2008), ‘Factions rule in Premier’s backflip on shop hours’, *The West Australian*, 16 August, p. 21.

⁵⁵ The Newpoll notional two-party preferred vote read Labor 50 per cent and Liberal/National 50 per cent. A win for Labor was predicted by 57 per cent of respondents, 27 per cent Liberal/National, with 16 per cent uncommitted. Carpenter was deemed as the better Premier than Barnett with the rating of 48 per cent to 35 per cent with 17 per cent uncommitted. *The Weekend Australian*, 6–7 September 2008, pp. 6–7.

⁵⁶ Only 58 per cent of voters in the last Newpoll before the election firmly indicated they would not change party or candidate on election day. See Newpoll, *The Weekend Australian*, 6–7 September 2009, pp. 6–7.