

**POLITICAL DONATIONS — REFORM**

*Motion*

**HON DR BRAD PETTITT (South Metropolitan)** [10.17 am] — without notice: I move —

That this house —

- (a) notes the state government's unrealised commitments related to political donations reform in both the 2017 state election and the Electoral Amendment Bill 2020; and
- (b) calls on this government to, at a bare minimum, legislate its own commitments to reform political donation laws by —
  - (i) developing an online disclosure register for political donations;
  - (ii) lowering the political donations declaration threshold to \$1 000;
  - (iii) closing the disclosure loophole by removing the option for political parties and associated entities to lodge a commonwealth return to satisfy state requirements;
  - (iv) banning foreign political donations;
  - (v) reviewing disclosure arrangements for third-party fundraising bodies;
  - (vi) capping electoral expenditure during elections; and
  - (vii) implementing quarterly reporting requirements.

It is obviously quite an unusual thing that I have just done in using the Greens' once-a-year non-government business opportunity to introduce a bill identical to the government's own from 2020, and reading a second reading speech that was, in places, identical to what was read in this chamber almost three years ago.

**Hon Stephen Dawson:** I've just been told by my colleague that imitation is the best form of flattery!

**Hon Dr BRAD PETTITT:** It is, indeed. I look forward to imitation as the best form of flattery leading to legislative change!

I have done this because these long-promised reforms on donations and electoral reform should be progressed, as they are the bare minimum of what we should be doing here in Western Australia. As the Minister Dawson said at the time —

Western Australians deserve to know that those with the deepest pockets are not able to spend their way to influence an election.

I would add that it would also be for our day-to-day decision-making. The seven reforms in this motion are some of the basic fundamentals of what any good government should legislate and, given that they are the ALP's own election commitments, I hope they will have wide support in the chamber today. I will not go through the reforms in detail, but will look at a few. The first relates to implementing quarterly reporting requirements for the disclosure of political donations and an online disclosure register. Currently, members of Parliament and political parties are required to disclose donations and gifts received only on an annual basis. In reality, it takes about 18 months from the time a donation is received to when it is disclosed. This proposal will shift that to quarterly returns and a quick 10-day disclosure after that, with returns being made public online for all to see. Interestingly, local governments already do this—in fact, they go further than this—and state MPs and political parties should do so. I think we would all agree that it provides for better transparency and is a basic element of a healthy democracy.

**Hon Kate Doust:** After the first night of the election, it is very difficult to find out on local government systems who actually made a donation that has been removed, so that is a problem that needs to be addressed.

**Hon Dr BRAD PETTITT:** I agree. For those who could not hear Hon Kate Doust, some improvements could be made to the Western Australian system relating to donations. Hon Kate Doust, that should apply only to those who do not win.

**Hon Kate Doust:** The figures are still removed by the council on the night of, in my experience.

**Hon Dr BRAD PETTITT:** If you win an election, they are made public. If you lose an election, they remain unseen.

I think all of us in the chamber would agree that transparency is really important. Taking the point raised by Hon Kate Doust, local government is pretty close—I think the time limit is about a month—to having that on the public register in real time. There is no reason we in this place should not do something similar.

The next two paragraphs of the motion relate to lowering the political donations declaration threshold to \$1 000 and closing the loophole for political parties to lodge a commonwealth return to satisfy state requirements. At the

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

moment, the political donation threshold is \$2 500. All political parties that receive this amount must record the details of the donor. Of course, we would all agree that the amount of \$2 500 is too high. The bill seeks to reduce that threshold to \$1 000, which is a good step in the right direction. Really importantly, it seeks to close the loophole through which political parties can get around this threshold by providing a federal return and using the federal disclosure threshold, which is currently \$14 000. Using that federal loophole, a donation of \$13 999 can be made and the donor does not have to put their name to it. This bill seeks to close that loophole so that it will no longer be an option. Again, I think we would all agree that closing that off and having a \$1 000 limit that people have to put their name to is common sense and, frankly, should have been done yesterday.

The bill seeks to introduce a complete ban on foreign donations. This motion also calls for that change. If the legislation is successful, it will be unlawful to accept a donation unless the donor is an Australian resident or citizen and/or has an Australian business number. It is intended that foreign donations will not be able to influence domestic policy on the basis that foreign donors will not have the right to do so. Again, that is pretty well common sense. I would expect all sides of politics to support that change.

Finally, the bill seeks to cap electoral expenditure during elections. Importantly, this bill will deliver expenditure caps in WA for the first time. We have already seen it in states such as New South Wales, South Australia and Queensland, but there is no cap in WA at the moment. This lack of a cap gives a single group or individual—I will not name names in this case, but we have seen it happen in recent elections—the capacity to use large sums of money to buy a platform that exceeds the reach of both major and minor political parties, which is not healthy for any democracy. This would be a very sensible change. These changes in the bill, as set out in the motion, should only be the start. I hope that when these come back, we can go further than this. As I made clear in the motion, this bill is a bare minimum. These are all good changes.

I want to conclude my speech by talking about further options on how best practice reform could go beyond both the bill and the motion before us today. If the bill were developed based on Greens policy, a number of further changes would be proposed to ensure a genuinely transparent process in how political parties and we in this chamber get our money. The first of those would be banning cash for access to ministers. This is one of the most important things we could do to improve integrity in Western Australian politics. “Cash for access” is a truly bizarre idea that people who can afford to pay \$5 000, \$10 000 or more per head to attend a dinner with a minister or the Premier can thereby gain special access. There is no such thing as a free lunch. When someone is paying many thousands of dollars for a lunch, they are not doing it out of the goodness of their heart or going along to chat about how the kids are doing at school; they are attending to have influence.

The idea that a country and a state that prides itself on being egalitarian lets people with more money and more access to cash have more influence runs against the very heart of the principles of good democratic practice. It should not be the case that someone who is sitting next to the Premier, the Minister for Planning or the Minister for Mines and Petroleum can have more access. I think it is unethical and it poses a corruption risk. It should be banned in WA if we are serious about improving the integrity of our government. In the last Parliament, Hon Alison Xamon, my former Greens colleague, introduced the Electoral Amendment (Access to Ministers) Bill 2012 for debate during non-government business in this house. I think the Parliament should look at revisiting that issue.

The next issue I wish to refer to is making ministerial diaries public. Having open diaries would mean that Western Australians can see whom ministers are meeting with, and it is another mechanism to improve transparency. Ministers and Premiers are in positions of tremendous power and have the ability to make significant decisions on various projects and proposals, often with little parliamentary oversight. Members of Parliament in Queensland and South Australia have already shown leadership on this issue and made ministerial diaries public. We ought to follow suit here in WA.

There should also be a mandatory cooling-off period for senior public servants. While we are on the topic of ministers and transparency, we need to look at the revolving door of influence between politics and corporations here in WA. The Greens have been calling for a mandatory cooling-off period of at least three years for ministers and senior advisers before they can be employed in an industry they were responsible for regulating in some way or vice versa. For example, if a Minister for Environment, Mines and Petroleum or State Development or even a Premier left Parliament, they would have to wait for a minimum of three years before they could take up a position in Woodside, Chevron, Rio Tinto or the like.

**Hon Kate Doust:** So what are you suggesting they do—they put in place some sort of mechanism to provide them with a payment to get a job in their field of choice or they go and get a night-fill job at Woolies?

**Hon Dr BRAD PETTITT:** For those members who did not catch the question asked by Hon Kate Doust, she asked what we would do —

**Hon Kate Doust:** You have to be practical about it, Hon Dr Brad Pettitt.

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

**Hon Dr BRAD PETTITT:** We do. There is a good precedent for this in Canada, which I would be very happy to talk about. The Canadians have an even longer cooling-off period. There is a five-year prohibition for former public servants before they can take up lobbyist or consultant positions. Members are provided with a modest salary after they leave Parliament. That used to happen here. This is good practice.

I hear people defending the revolving door practice. Do they think it is okay for a member of this place to go from advising a corporation to being a member of the board of that same corporation a month later? There is no way that is acceptable. There are solutions to this and there are ways that other jurisdictions have dealt with it. The fact that we are having some dispute around this is extraordinary. There is no way that this passes the pub test of someone working in a corporation and then becoming a member in the halls of power in government or vice versa. It actually undermines the fundamentals of good governance and good democracy. It is a failure of members' imagination if they cannot look at how we stop that revolving door and make sure that we have a proper cooling-off period so that we do not fundamentally see a blurring of lines and decision-making, and not the best outcomes in this place.

**Hon Pierre Yang:** I have a genuine question, if you would take an interjection.

**Hon Dr BRAD PETTITT:** Yes.

**Hon Pierre Yang:** Would that prohibition apply to, say, members of the conservative side of politics from getting a job with a conservative think tank or a member of the Greens party getting a job in an environmental protection organisation such as Greenpeace or the Conservation Council?

**Hon Dr BRAD PETTITT:** If Hansard did not pick it up, the question is around whether the rules would apply to conservative members going to a conservative think tank or Greens members going to environmental organisations. I think all these things should be looked at. We do not want to see blurred decision-making because of their ability to impact legislation and decisions in this place. This applies especially to ministers—it is not every member of the lower house—and, ultimately, how they might use that influence and knowledge going forward. Again, I hope this will be at the heart of the legislation that comes back. It goes beyond the scope of the bill the Labor Party previously introduced in this place and this motion. I think these are serious questions, because we have seen a revolving door in Western Australia that does not pass the pub test. This needs to be on the agenda.

I want to talk about corporate donations. The Greens do not accept corporate donations because, a bit like the previous issue, there is a perception that decisions are being —

**Hon Kate Doust:** You took a donation of over \$600 000 from that woman who ran Kathmandu many years ago.

**Hon Dr BRAD PETTITT:** I am not aware of a donation from the woman who ran Kathmandu.

**Hon Kate Doust:** It was a fairly substantial one. Wasn't that a corporate donation? I think you'll find it was. In fact, it was when Hon Giz Watson was in this chamber.

**Hon Dr BRAD PETTITT:** I think Hon Kate Doust might want to —

**The ACTING PRESIDENT (Hon Dr Sally Talbot):** Members! Hon Dr Brad Pettitt, just resume your seat for a second. I recognise that it is Thursday and people are very engaged with this topic, but could we return to a more traditional form of debate in which the person to whom the chair has given the call is the only person speaking.

**Hon Dr BRAD PETTITT:** Thank you. As I was saying, the Greens do not accept corporate donations because we do not want the perception that decisions are being made that are not in the best interests of the people and our planet. Politicians should represent the interests of the communities and the individuals who put them in their seats. There is no doubt that corporate donations create the perception that corporations can buy influence, harming the integrity of politics. Banning corporate donations would go a long way towards returning integrity to politics. At the absolute bare minimum, WA should implement a list of prohibited donors that cannot make political donations, such as fossil fuel companies, mining companies, property developers, gambling and tobacco industries, and so on. These reforms are already underway in Queensland and New South Wales, where property developers, tobacco companies, and liquor and gambling entities are banned from making political donations. I think the same should happen here in WA.

The last reform I will discuss today is the call by the Greens for a real-time donations disclosure system. This goes beyond the unsatisfactory lag of 12 or even 18 months that we currently have and the slightly more satisfactory quarterly reporting referred to in the bill and this motion. Real-time reporting would improve the transparency of our political donations system, giving voters the ability to see who is giving money to political parties in real time. The importance of real-time, or as close as possible to real-time, donation reporting has been highlighted in numerous reports and recommendations. I will give a couple of examples. The 2014 Schott report out of New South Wales reviewed the state's electoral processes and recommended real-time donation disclosure. Again, Queensland

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

is a leader in this space, and has already moved to a seven-day disclosure time frame, which is by far the best standard in Australia. WA can do it and we should be following suit.

My frustration is that over 18 months, the government's legislative priority has hardly been back-to-back vital bills, and certainly not back-to-back bills that are more important than the legislation we are discussing today. Was the bill we finished yesterday, the Government Trading Enterprises Bill 2022, more important than this? Was the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 a more urgent ethical and moral issue than cleaning up our politics? We have had a string of bills presented to this forty-first Parliament that, although mostly worthy, were not all more important than getting the fundamentals of our democracy right. I looked back through the bills I have had the pleasure of reading and I could list a whole bunch. There was the Legal Deposit Amendment Bill, the Directors' Liability Reform Bill, the Transport Legislation Amendment (Identity Matching Services) Bill, the Mutual Recognition (Western Australia) Amendment Bill, the Legal Profession Uniform Law Application Bill, the Legal Profession Uniform Law Application (Levy) Bill and the Administration Amendment Bill. I could go on. Although these are all good administrative bills, I struggle to see how the Duties Amendment Bill, the Transfer of Land Amendment Bill, the Charitable Trusts Bill and the Owner-Drivers (Contracts and Disputes) Amendment Bill are more important than a bill that is fundamental to making our democracy better. In all seriousness, this bill should be prioritised and that is why I introduced my bill today.

I will end on a positive note. I know that Hon Klara Andric in private members' business will be moving a motion noting Premier McGowan moving on. The change in leadership in recent times is a significant moment. I hope this opportunity translates into a wave of progressive reform that Labor has previously committed to but has let sit on the sidelines, such as the issue before us today. I hope that a bill on donations and electoral reform is one of the first bills we see come to this house under the Cook Labor government because it is one we need to see progressed. Actually, I hope the bill will be better than the one I introduced today and takes into account some of the more ambitious improvements I have talked about in this motion. At the very least, there is an opportunity to introduce a bill such as the one the government introduced previously and for it to be progressed so that our democracy and electoral system can be better than they are today.

**HON JAMES HAYWARD (South West)** [10.36 am]: I stand to support this motion, which may be a surprise to some in this chamber. We need to make some changes in the way we deal with these things. I have a lot more experience within the lay party than in Parliament—significantly more. I served as both the state president in Western Australia and the senior vice-president for the federal party over some years. I have been involved in the process of raising money and understand how the process works for parties on the ground, in the real world, and the challenges they face. It is getting harder and harder to raise money. That is the reality, Acting President. Some of the guys with 20 or more years of political experience, working in lay parties and raising money, tell me that 25 years ago to raise money they would just sit in their parliamentary office and open the cheques sent to them by NAB, ANZ and the Commonwealth Bank. Basically, there was a situation in which a lot of big organisations would automatically support political parties. It was not just of one particular flavour; they would often support the major parties and the Nats potentially, and probably others as well. That was a natural part of the landscape for big business 25 years ago.

Today, it is not. Today, big businesses and companies have many policies that make it very difficult to support political parties, and that is a problem for political parties. If we value our democracy, we have to value the work political parties do. If we want higher standards around political parties, including moving towards more onerous reporting mechanisms, we need to support those parties so that they are able to do that. We cannot have a successful political system if our parties are simply not capable of meeting the demands placed upon them. I am sure that no matter what side of politics members are on, they would all agree with that.

I think the part of the discussion on these changes needs to be around how our political parties in this state operate and how our democracy is best served. The reality is that the circumstance in our Parliament today is not a great one. This Parliament is dominated by an individual political party. As we know, we have not seen that before.

Several members interjected.

**Hon JAMES HAYWARD:** Normally, we would have a more balanced Parliament, but we do not have that at the moment. The point I would like to make —

**Hon Kate Doust:** That is what the voters of Western Australia wanted.

**Hon JAMES HAYWARD:** Thanks very much for that. I recall that one of the talking points of Labor members was to go around the community and say that it was not great for our democracy to have one side in power and that the Liberals needed to get their act together, but I digress. The point is that we need more young people and others in our state involved in politics. We need to encourage people who are disaffected to become members of political parties that suit their political persuasion and will further develop their interests and desires and shape how those individuals want to see Western Australia develop. I think that is something all members of Parliament would support.

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

We need more young people—there is no question about it—involved in politics for the future for our Parliament and our democracy.

Other jurisdictions have managed this by moving to a public-funding model. Both New South Wales and Victoria have moved to a public-funding model. If we reduce the opportunity for political parties to raise money and increase the obligations on those political parties, it is important for our democracy that they are able to meet those challenges. New South Wales and Victoria have moved to a public-funding model that funds the campaign and administrative costs of political parties. That will be very unpopular out there in the community. No major party would want to speak about it because they do not want to be seen to have their snouts in the trough, which is how people would see it. They would see the political parties looking to improve their own positions. However, as an Independent, I believe that if we want to be very serious about our democracy and the future of Western Australia and about making sure that members of Parliament are transparently elected, we need to move to higher reporting obligations and make sure that the political parties are able to meet those requirements. I submit that the way to do that is to follow the lead of other jurisdictions in Australia, such as New South Wales and Victoria, and move to a public-funding model whereby it is possible to implement the more onerous obligations on the parties and also be more in control of political donations. If we do not go down that road and do not make sure that political parties are able to meet their obligations, there is a danger that the major political parties will gain a further stranglehold and we will lose diversity within the political system and ultimately it will become too difficult. That will mean that more people in the state will be disaffected because they will not have the opportunity to participate in the political process. The reality is that the people involved in our political parties are participating in our political process, and that is what we need to encourage.

I can refer to a couple of examples of recent history. The Nationals WA got absolutely belted in 2017 when the Chamber of Minerals and Energy spent around \$5 million to unseat the leader at the time, Brendon Grylls. There was an inquiry into that. We are seeing Labor Party policy to put a cap on individual seats. I agree that that is the way forward to have a more transparent democracy that is not influenced by big spending, such as the \$5 million spent by the Chamber of Minerals and Energy in that circumstance. We have seen other examples in the political space. Clive Palmer spent an enormous amount of money on the federal election. People will debate whether that was okay, but the reality is that it was okay under the current system. Now we, and the government, have the opportunity in Western Australia to take the basis of the Electoral Amendment Bill 2023 and expand on it and make sure that there is a way forward for political parties to exist and flourish for the benefit of Western Australians being engaged in the political process, which we should all support.

**HON DR BRIAN WALKER (East Metropolitan)** [10.45 am]: Members will be glad to hear that I have a longer contribution to make later on today so I have only a few minutes to spend with members now. I think that the fewer words we use here, the more effective it will be. Democracy around the world is in retreat. If we look at the examples across the world, we can see how pernicious and well-funded vested interests are able to manipulate the narrative. People themselves are being moved. We are seeing this in America just now to a horrifying degree in a country in which the choice of leadership is determined by how much money is spent on the political campaigns. That is not democracy. I, like all members here, I am sure, am a passionate defender of democracy. A few members, including me, have lived in countries that are absent of democracy. The year I spent in the Soviet Union was a case in point. The ability to have a democratic free vote was severely curtailed. That is the case even today. I vehemently oppose that type of society in Australia. It is a free country. I want to be a free man in a free country. The words I will say to members today are fairly simple: we need to make choices based on opinions, facts and the views that are expressed. We need the people to vote for us based on how we prosecute a case. It is about opinions, not the size of the bank balance. We need to be aware that the so-called pseudo-democracy determined by the size of the bank balance is the enemy of true democracy, and we should stand with the honourable member in support of this motion.

**HON TJORN SIBMA (North Metropolitan)** [10.47 am]: To a degree, I am still formulating what I hope will be a charitable and considered response to the intention behind the motion within the constrained time frame. What impedes the capacity to provide a considered response to non-government business, as it appears on the notice paper that we all have in front of us, is when the conversation deviates, I think not insubstantially, from the point the mover is attempting to make. We have heard a range of suggestions that would merit closer examination on their own. Through insinuation, we heard that potentially a matter to remediate the state of Western Australian politics is to introduce a parliamentary pension. Another suggestion was to place limits on post-separation employment options for ex-ministers of the Crown. We have also heard suggestions by the mover of the motion that would seek to effectively prohibit classes of donor according to the industry from which they come. These are highly debatable motions but they are not embedded in the non-government business motion that was presented before us today. I do not like making gratuitous suggestions to other members of this chamber, but I think it would be advisable for Hon Dr Brad Pettitt to use his opportunities, limited as they are, to stick to the point, because I think he would advance his case more substantially if he were to do so. That is not to say that any of the other suggestions are without merit and perhaps should not be contemplated. Without being frivolous about this, and considering the

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

next item on the business agenda today, I note that when the recently departed Premier, Hon Mark McGowan, was given the option to transition into the new system or keep his parliamentary pension, he chose to keep the pension. Only one remaining member of Parliament is on the old scheme, but that is another issue. Is there a substantive problem that Hon Dr Brad Pettitt attempts to remediate through the motion today? To some degree, the insinuation is unproven—that is, that the state of democracy is in such a dire position and that state, that there is a corruption in the system, originates from big money politics in Western Australia. I do not necessarily think that that charge can be sustained. If we are to come here and debate something as substantial as reform of the Electoral Act 1907, we have to make the case to demonstrate that there is indeed a problem. To be charitable to the member's argument, it is something along the lines that the government should legislate what it originally intended to legislate.

There was debate in this chamber in 2020 about the bill. It was an often remarked but often breached principle that major changes to the Electoral Act should be taken seriously; that if we attempt to change the rules, we have to demonstrate that there is a problem we wish to fix and that the solution provides a superior outcome. Unfortunately, at that time, individual organisations and associated entities were made the focus of discussion to the exclusion of others. I recall that The 500 Club, for example, was a particular target of interest of the McGowan government mark 1, as I will call it. The 500 Club somehow presented a clear and present threat to democracy in this state. However, all the other unions and associated industries and the Trades and Labor Council were not the target. I make this point: we do not want to use amendments to the Electoral Act to target specific organisations that represent a different political interest from us. That would effectively be attempting to criminalise political difference. That is why we need to consider amendments to the Electoral Act seriously and advisedly. I suggest to the member that if he is serious about what he is proposing to do today, he provide briefings on the bill, and if that bill is ever debated—I doubt that it will be—that it be referred to the Standing Committee on Legislation. If the member is that serious about it, that is what he would do. However, I do not necessarily think that is the intent behind the motion today. I will let the government speak to its views about the intentions behind the motion. I do not necessarily think it is presented in flattering terms. It is presented in terms quite differently.

While I have the opportunity, I will make a remark that might be referred to the President for consideration at another stage. When one has been in Parliament for as long as I have—I wish I did not have to say that; I have not been in Parliament very long—one sees the same issues arise. A period of parliamentary service should give an individual member the capacity to speak, with copious notes, yes, but not necessarily obligate them to rely on reading speeches. I have noticed this as a feature in this chamber this year. I let it pass in the first year of this parliamentary term, 2021. If members of this chamber need additional support or training when making their parliamentary contributions, that should be considered. It is starting to be a little unprofessional for experienced members in this chamber to still be reading speeches. I do not say that gratuitously and I do not wish to single out anybody, but I have noticed it during debate on this motion and I would like to see it come to a conclusion.

**HON BEN DAWKINS (South West) [10.55 am]:** I agree with Hon Tjorn Sibma insofar as we need to be more specific. I do not think Hon Dr Brad Pettitt has been unspecific. The other matters that have arisen during the discussion this morning can be hived off into other acts. By putting forward a bill that was already put forward by the government is a good approach because we are isolating what we can agree on. There is an opportunity for bipartisanship today on this issue. Personally, I believe it is a step too far to look at all the categories of donors, for example. That will take us off track so we should just come back to what we can agree on. I thought that with a housing program ahead of us, the property developer donations are not helping anyone, and they appear on both sides. I have spoken about the Glen Iris golf course previously. There was a \$27 500 donation from Eastcourt. That dispute had been going on for three years and for some reason I was the only person who found it as a donation to Perth Trades Hall Inc. I do not think it is a good look for anyone in that situation. As the state embarks on the housing program, with land being opened up and transactions done with property developers, the people of Western Australia would like to see that done in a transparent environment. There are grounds for including a ban on property developer donations in the Electoral Amendment Bill 2023 and essentially keeping it as it is, not getting distracted, as Hon Tjorn Sibma said, into all the other categories. The 500 Club needs to stay. Union financial support for the Labor Party needs to stay; it is obvious. Let us not get into byplay around certain categories of fossil fuel donors, for example. It is a step too far and we will get bogged down. I commend Hon Dr Brad Pettitt for his approach, not biting off more than he can chew, and for bringing to the house a bill that should have bipartisan support, with simply one addition relating to property developers.

Cash for access was also a feature of the Glen Iris golf course and Eastcourt property developer issue. Hon Klara Andric would know about the scheme and would say that she has had some experience with roundtable Labor business. That is something we can look at in the electoral legislation. As I said yesterday, I would like to move that political parties be forced to incorporate and, therefore, would become bound by the rule of law in this country, because currently they are not. Once that is done, a lot of the other regulation can follow. Once political parties are bound by the law of a country, they will have to self-regulate their rules in order to avoid litigation.

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

**Hon Pierre Yang:** I think the Liberal Party is a corporate body, but it still leaves a mess!

**Hon BEN DAWKINS:** Yes, I think so. I commend the Liberal Party for incorporating in this state. Its rules are a lot more, let us say, professional. Unless Hon Darren West or Hon Pierre Yang are looking to avoid scrutiny, I do not see why the Labor Party would not incorporate. Well done to the Liberal Party there.

The cash-for-access ban could come into the Electoral Act along with the incorporation provisions I would introduce. The cooling-off period that we talked about is also problematic. However, if it belongs anywhere, it belongs in the Electoral Act or another act, not necessarily this one. I agree with hiving off the things that are going to cause exceptions and debate on other bills.

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [11.01 am]: I rise to give a government response to the motion and the bill. We will not be supporting it because we will be introducing our own bill in good time. I am sure that is no surprise to the member. What I will say in support of comments made earlier today by the Attorney General is that we have been working closely with the Western Australian Electoral Commission on a much-improved update to the 2020 bill. We will be presenting that to Parliament during this term of government, in time for the 2025 state election. One of the benefits of being in government is that it gets to decide the legislative priorities, which we have done. If others were in charge of the legislative priorities, they would do it differently. That is their choice; we make our own decisions.

Having said that, some of the matters raised in the member's motion are not immediately pressing because we are some time away from the election. We will get to them in good time during the introduction of the bill. I want to say that we recognise the importance of strong, fit-for-purpose electoral laws for good, robust open democracies. There is no issue with that sentiment. I think in recent times we have obviously seen actors and people involved in elections. Clive Palmer is one of them. I do not know why the member did not mention him. Maybe it is a matter of principle and he refuses to put his name on the Parliamentary record. If that is the case —

**Hon Kate Doust:** Or he is hoping for a donation.

**Hon MATTHEW SWINBOURN:** I doubt that, honourable member. In his defence, I think it is commendable if he does not want to give him any attention. He probably gets far too much as it is. His involvement in recent federal and state elections regarding the money he has spent, to put it bluntly, has been perverse. There is nothing unlawful about that under our electoral laws. Whether or not that is desirable in a democracy is a different debate. Those matters are at the forefront of our minds as we develop the bill that we will bring forward.

I had a number of quips that I wanted to throw the member's way about stealing homework, plagiarism and imitation being the highest form of flattery, but it is beneath me, so I will not do that.

Several members interjected.

**Hon MATTHEW SWINBOURN:** I shall not make quips of that kind. The previous bill raised a lot of important issues and went to the committee late in the term. Parliament prorogued and that bill lapsed. As I said, the things that the member outlined in his motion are all good ideas. We are continuing to pursue those.

It does not seem to be the case that anyone to date has mentioned the significant reform that we undertook to the Electoral Act in 2021. All but one of us were here for that process and those long nights. That was a significant reform to our electoral landscape. We have not been sitting on our hands on this issue. Although one of those significant issues was to bring in optional preferential voting, there were also some significant reforms regarding the continuation of the registration of political parties. That was to bring in some more accountability to make sure that political parties are genuine in who or what they represent. The 500—off the top of my head—unique voters are a key element of that. We all know that there were some people out there stacking the ballot papers with parties that changed their identity every election according to whichever way they thought the wind might be blowing. Those reforms will make it much harder for them. We have done things in the electoral affairs space and have made what we think are some significant reforms. As I have said to the member, the Minister for Electoral Affairs; Attorney General and the government are committed to further reform in this area. That will happen in good time. I do not want to get into the debate raised on some of the elements that the member brought up about reform being desirable. I agree with Hon Tjorn Sibma and I think he recognised in his own speech that some of those things sat outside of the motion. Again, it would be hypocritical of me to rope those issues into my speech. I make the point that those things are worth debating at another time. Let us stick to what is presently on the notice paper.

Given the position the government is taking on the member's bill and broader motion, there is not a lot for us to say in this space. We are actually working quite hard toward what our goal is. I could rehash the process that we went through for the previous bill, but I think it would probably be a waste of our time and a lot of words. I suspect there are some other speakers on the bill and I am conscious of the time. As I said, it is not one of those motions whereby we have to indicate any support or otherwise in terms of the outcome, given that there is no vote on it. We

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

support the sentiment in terms of Electoral Act reform, but we do not support the bill in the form that the member has tabled it because we will be introducing our own bill at a later time.

**HON NEIL THOMSON (Mining and Pastoral)** [11.07 am]: I rise to support my colleague Hon Tjorn Sibma's suggestion that this would be an excellent job for the Standing Committee on Legislation. I think it is quite obvious that this government has not utilised that process in any major way. There are so many things here. As Hon Tjorn Sibma said, there are so many elements in this. I think it would at least be worthy to have a look at some of these issues. I am not going to comment on specific issues, however, I would like to make a few passing comments on the idea of a mandatory cooling-off period for public servants and ministers.

We have seen some very interesting machinations coming out of the Labor government. We saw the criticisms in *The West Australian* when Hon Ben Wyatt, the former Minister for Aboriginal Affairs, was sitting in the chair during the horrible situation with Juukan Gorge. He has now suddenly appeared on the board of Rio Tinto. It is not a good look. I do not think that was expressed. It is probably something a committee could consider. I am sure other aspects could be considered because the world is changing as we go to this digital world, with the value of digital technology. There was a bizarre situation with the former Premier of the state using his private Facebook account as the key venue for pandemic information put into the public domain. He gained 500 000 followers on his private Facebook page and then went off into the yonder. The value of those followers —

*Point of Order*

**Hon MATTHEW SWINBOURN:** I have been listening intently to the member and am struggling to understand how any of his comments relate to the motion before the house. I understand from the standing orders that contributions must be relevant to the motion or question before the house and perhaps, Acting President, you could give us some guidance about whether that falls within that category.

**The ACTING PRESIDENT (Hon Dr Sally Talbot):** Thank you, very much, parliamentary secretary. I was listening very closely to Hon Neil Thomson and I feel quite certain that he was about to return to the topic and explain how he got where he ended up when the point of order was taken. Thank you for your assistance, parliamentary secretary.

*Debate Resumed*

**Hon NEIL THOMSON:** I am just making the point that Hon Dr Brad Pettitt raised the issue of mandatory cooling-off periods as part of this bill. There is further discussion to be had here. A member of this place—I looked at the value of those Facebook fan followers at \$174 per fan follower. It is said that is what their value is. They could potentially be valued up to \$80 million. Who knows? What will the member do with that? Will he be selling more drugs?

Several members interjected.

**The ACTING PRESIDENT:** Members! Resume your seat, please, Hon Neil Thomson. You make it very, very difficult for Hansard and for the person in the chair when there is this constant barrage. I know the member on his feet has a nice loud voice, but, member, please address your remarks to me, and, other members, have respect for the decorum of the chamber.

**Hon NEIL THOMSON:** The point I am making is if the house agreed to refer these complex matters to a committee, particularly the Standing Committee on Legislation, the terms of reference should be quite broad. There is an issue with cooling off. We saw Hon Ben Wyatt, the Minister for Aboriginal Affairs, the minister sitting in the chair when Juukan Gorge was destroyed. The minister at the time said that apparently the office knew about that process about 24 hours before it occurred and nothing was done about it, even though protestations were made in this place that there was some legal prohibition. That minister then went on very quickly to become a board member of Rio Tinto. We have to ask the question. All of those questions are worthy of further consideration.

Ministers depart from this place, and especially departing on \$260 000 a year, which is a very comfortable outgoing of this place. I am not sure of the value of the brand followers that the former Premier has. I am not sure that they are worth the \$174 each that is calculated, but I am sure that was not put on the gift register as he walked out the door. A much better thing to do would have been to declare it and return those brand followers to the Department of the Premier and Cabinet so those public notices could be put out in a way that would properly inform the public on what they should be informed about. This is a very interesting process. These issues of conflict should be considered in a committee. I certainly endorse the idea of Hon Tjorn Sibma of putting this to the legislation committee with broad terms of reference particularly looking at this issue of the cooling-off period and what members take from this place for their own commercial gain.

**HON SOPHIA MOERMOND (South West)** [11.14 am]: I appreciate the contributions of all the members in this chamber, especially the considered contribution by Hon Tjorn Sibma, and I appreciate the government's stance on this as well. Nonetheless, I would still like to make a contribution.



Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

Before I had this role, I did doctor detailing. Doctor detailing involves working for a pharmaceutical company and going into general practices, having lunch with doctors and presenting a new product with the science that goes with it. The rules around that have changed a lot recently because it was found that when this detailing would happen, with very expensive lunches with lobsters, oysters and champagne, it created an unfair and unconscious bias at times towards the product and the pharmaceutical company. That does not mean that the favouring of that product was necessarily intentional. We are all prone to marketing, and a lot of the very effective marketing that happens works on us on a subconscious or unconscious level.

It is important to understand with political donations anywhere that we have the same psychology as everybody else out there and we are prone to the creation of unconscious and subconscious biases. Politics can only be helped by creating more transparency and capping donations to some degree. The capping of lunches and food for GPs seems to have created a more even playing field. I think that is probably what the motion is really about—that is, creating that transparency and an even playing field.

**HON DAN CADDY (North Metropolitan)** [11.17 am]: I was not going to rise today but I want to comment on a few of the things that have been said in the chamber during this debate. I will not comment at length on what Hon Neil Thomson said in his pathetic and misguided attack on Hon Ben Wyatt. I think people across this chamber and this Parliament realise that Hon Ben Wyatt was one of the most exceptional ministers and Treasurers in the history of the state. When we question why he was put on the board of a large company, it could be that he has a Bachelor of Laws, a Master of Science, is a graduate of the Australian Institute of Company Directors and has a distinction from the London School of Economics.

**Hon Pierre Yang:** And Royal Military College Duntroon.

**Hon DAN CADDY:** And Royal Military College Duntroon. It could be that all of that experience is what makes him an exceptional person to be on any board anywhere in this country. That is what it could be. I will leave that alone.

I will not comment too much on what Hon Tjorn Sibma said either but just echo his sentiments on the dangers of using regulation and legal mechanisms to ban those who are not our natural political allies. I think on all sides of Parliament we need to be aware of that.

Hon Dr Brian Walker talked about the dangers of large money and referred to the United States. Although I agree in principle with what was said, using the United States as a comparator is incredibly dangerous. The first time I remember commentary in the media about the amount of money spent by the major parties on the federal election campaign was during the 2007 election. There was a lot of commentary in the Australian media about that. I cannot remember the exact date that election took place, but it was November 2007. If we want to talk about money and what it can buy, fast forward a couple of months to between 3 January and 3 June 2008 when the Democrat primaries happened in the United States. During those primaries, the spend by Hillary Clinton and Barack Obama's camp—this is just the primaries, not the main event—on television advertising only, in Chicago only, was more than the entire spend by the Labor and Liberal Parties for the entire country on a federal election. I think we need to be very cautious when we talk about the United States, other than in a sense that that is not a path we want to go down. I wanted to put that in for a bit of perspective.

The thing that really made me want to get to my feet is a little thing, and I probably could have dealt with it in about 30 seconds. It was something that Hon Dr Brad Pettitt said when he spoke about the importance of this legislation and compared it with other bills that have come through this house. He specifically compared it with the Wicked Campers bill, the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. I have two issues with this. The first issue is that the member is looking to introduce a bill for which there is already legislation, rules and a framework around what can happen. With the Wicked Campers bill, there were no rules. It was a horrific form of advertising that traumatised people across the country. As I said when I spoke on it in this place, a petition to the Senate had, I think, over 100 000 signatures, and there was no legislation and no regulation. When that legislation is used as an example, it is important to realise that we needed to legislate on an area for which there was an absolute void of legislation and regulation. What the member put forward—I am not debating its merits or otherwise—is about an area for which there is already regulation.

The second point I took issue with was when the member talked about the importance of legislation and our agenda. I want to talk about some of the bills that have come through this place in our time and see what they have in common. That includes the Swan and Canning Rivers Management Amendment Bill; the Land Tax Assessment Amendment Bill; the Conservation and Land Management Amendment Bill; the Bush Fires Amendment Bill; the Soil and Land Conservation Amendment Bill; the Animal Resources Authority Amendment and Repeal Bill; the Poseidon Nickel Agreement Amendment (Termination) Bill; the Aquatic Resources Management Amendment Bill; and the Agricultural Produce Commission Amendment Bill. They all have a common thread in that I expect they are bills that would be very important to the Greens and that the Greens would want its voice heard on. They are bills that came to this place on which Hon Dr Brad Pettitt, as the only Greens member here, did not speak or participate

Hon Dr Brad Pettitt; Hon James Hayward; Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Neil Thomson; Hon Sophia Moermond; Hon Dan Caddy

---

in the debate. I think we need to be very careful that when we question legislative priorities—how things should come to this place and the order they come to this place—we look at our own record of what we choose to talk on and not to talk on.

**HON DR BRAD PETTITT (South Metropolitan)** [11.23 am] — in reply: I thank each of the members for their comments today. It is greatly appreciated. In the six minutes that I have left I will quickly try to respond. I start with Hon Dan Caddy's comments. I think they certainly deserve a response. I do not feel the need to speak on every bill I agree with. I think if we all spoke on every bill that we agreed with, we would slow this place down with an inordinate amount of churn. I note that most of the bills that he highlighted were bills that I did not highlight as ones that I thought were not essential—or that was the way I framed it—and should not come before a really important bill like this. I want to reiterate that point: a bill like this is really important. A lot of what we do in this place is important, but we could talk about plenty of bills that we have dealt with that I think it would be hard to argue were more important than this one. I brought the bill here today because it is really, really important. Taking that Wicked Campers example, yes, we might have a framework. You know what? Our framework is broken if a person can donate \$13 900 to someone and keep it dark, which is what they can currently do. That is the framework. If we do not have a ban on foreign donations and there is no cap on donations, do you know what? We have got a framework that is broken. That is the point that I am making here today. Framework or not, it is actually really important.

**Hon Matthew Swinbourn:** Member, as a matter of record, the federal donation cap is, I think, \$14 5000.

**Hon Dr BRAD PETTITT:** Okay. Is it for \$14 499?

**Hon Matthew Swinbourn:** Yes.

**Hon Dr BRAD PETTITT:** That can be done with black money.

I appreciate the support and comments from Hon James Hayward. I agree that we should have a higher standard in this place, and we could have a broader conversation around that. As Hon Dr Brian Walker said, democracy is very, very important. When we have large amounts of money being thrown around, there is the expectation of large amounts of influence that we really should not be part of. I agree with Hon Tjorn Sibma that we should not be targeting specific industries here. I would be very happy for this bill to go to the Standing Committee on Legislation. As Hon Neil Thomson said, that would be a worthwhile discussion, because we need agreement across the chamber on this legislation and it has to be robust and without political flavour. I thank Hon Matthew Swinbourn for the government's response. I hope that when he says we will get to this in good time, he means that it will be dealt with as a matter of urgency. I brought it up today because we are past the halfway mark of this Parliament and nobody wants to see the result we had last time, when there was not enough time to deal with and pass the bill. The honourable member made the point that no elections are coming up so the urgency is not there, but the question of donations remains whether or not there is an election and this is an ongoing issue that should be dealt with sooner rather than later. A key part of this bill is whether an election is near or not. Hon Neil Thomson made some really good points on the revolving door. As I said earlier, I think sending the bill to the legislation committee would be good. I also want to thank Hon Sophia Moermond for her comments about how this is about creating a more level playing field and being transparent and open around how we do that.

In closing, I get a sense that there is broad agreement that something needs to happen in this space, so I am pleased that by having this motion and bill before us today that we have spoken about this issue. I am extremely pleased to hear that there is an indication from the government side that it will progress this legislation in this term of Parliament. I think that is great. It is the first that I have heard of it. I think it is really valuable. There is no doubt that when we have transparency and a really good framework—one that is far better than exists now—it makes us, our Parliament, our democracy and our political system better. I want to thank each of the members today for their contributions towards this. Thank you.

Motion lapsed, pursuant to standing orders.