

ELECTORAL AMENDMENT BILL 2000

Second Reading

Resumed from 13 September.

HON J. A. SCOTT (South Metropolitan) [2.58 pm]: The Greens (WA) support many of the changes to the Electoral Amendment Act, particularly the range of administrative changes, which are very sensible and will bring this Act into this century. Most of these changes smooth the bureaucratic and administrative processes and take up modern methods of communication, rather than sticking with cumbersome, difficult systems. An example of administrative simplicity is the registration of all candidates at one point and with one check. It is something that all people could agree with as they would have no reason to suspect that the change would cause misfortune to anyone.

However, there are some problems in trying to effect administrative simplicity through such legislation if it is done at the expense of the democratic status of our electoral system. That, to some degree, has occurred in this Bill, particularly with those areas dealing with the registration of parties and the requirement that a party have, in this case, 500 members. I understand this was taken directly from Queensland legislation or from members in the State Parliament who are members of that party that produced that legislation.

A number of serious political parties in the community have wide-ranging policy platforms, which are neither single-issue parties or the kind of "front" parties set up by the major parties to channel votes back to them at elections. It is a shame to be moving to try to prevent genuine parties from being registered and from being able to have their names on the ballot paper. It is undemocratic to make candidates for those parties stand, in effect, as Independents, since their party names cannot be on either the register of political parties or on the ballot paper. I understand the reasons put forward by various speakers as to why they consider this measure reasonable. There certainly is a proliferation of parties, but we supposedly live in a democracy, and by trying to restrict parties we suspect of being front groups, we can impinge on parties that have a fair and reasonable approach to politics and are serious about what they are trying to do. It also makes it much more difficult to form new parties. I understand why the Labor Party and the Liberal-National coalition like to keep the power to themselves.

Hon J.A. Cowdell: On the contrary - we always like to see Hon Jim Scott in the House.

Hon J.A. SCOTT: Given the numbers present in the Chamber, yes.

Hon J.A. Cowdell: The Government may not like to see you in the House, but that is not an opinion held by the Labor Party.

Hon Derrick Tomlinson: You can always see him on television standing up for the rights of communists.

Hon J.A. SCOTT: We can always see Hon Derrick Tomlinson taking the path of -

Hon Derrick Tomlinson: Righteousness?

Hon J.A. SCOTT: Yes, extreme righteousness in some cases. But he is entitled to do that under the current system, whether or not his party has 500 members.

I will examine the membership numbers issue, as it is dealt with in this legislation. For a number of years I have taken part in the orientation days that are held at our universities. At Murdoch University the Liberal Party was offering a champagne breakfast and membership, or a nightclub pass and membership, for \$5.

Hon Derrick Tomlinson: Membership to what?

Hon J.A. SCOTT: To the Liberal Party.

Hon Derrick Tomlinson: They charged me \$10!

Hon J.A. SCOTT: A number of inducements were offered to get names on paper.

Hon J.A. Cowdell: One inducement obviously was not a parliamentary lunch with Hon Derrick Tomlinson!

Hon J.A. SCOTT: Such inducements make a mockery of what this Bill proposes. Everyone knows young people like to have a good time and that they sign up for the good time rather than the party policy in many instances. The extent of their interest is getting the free champagne or other inducements.

Hon Derrick Tomlinson: There is no such thing as free champagne!

Hon J.A. SCOTT: That is quite right. The clause dealing with party membership numbers does nothing to enhance democracy in this State. Another area where I see an administrative process overtaking the democratic process in this Bill is that part which prevents a party with more than six words in its name from being

Hon J. A. Scott; Hon Jim Scott; Hon J.A. Scott; Hon Norman Moore; Hon John Cowdell; Hon Helen Hodgson;
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registered. This is purely administrative and I cannot understand why such a clause is in the Bill. I certainly will not be agreeing to it.

I have heard the argument that the membership numbers provision in this Bill will help prevent the proliferation of single-issue parties. In fact, there is a party in Western Australia called Liberals for Forests, which can quite easily make the 500 membership requirement, yet it is still a single-issue party.

Hon B.K. Donaldson: There are no Liberals in the Liberals for Forests.

Hon N.F. Moore: There never were.

Hon J.A. SCOTT: I cannot really say who is in the party, but the existence of that party shows that single-issue parties cannot be stopped simply by insisting on a minimum of 500 members. If we had a No Tax Party -

Hon Derrick Tomlinson: You mean the No GST Party?

Hon J.A. SCOTT: Yes. Such a party would quite easily attract 500 members, especially if it were cheap to join. With no tax, it would become even cheaper.

Hon N.F. Moore: You want to change the minimum membership to 250 and make the membership fees higher?

Hon J.A. SCOTT: I do not want to make joining a political party expensive at all. Five hundred is an arbitrary figure, taken from the legislation in Queensland, where the population is double that of Western Australia. The figure in New South Wales is 750 and that State has a population three times that of Western Australia. South Australia has a requirement of 120, I believe, with a similar population to Western Australia. Tasmania has a voting population of 330 000 and a party membership requirement of about 80. I cannot recall the precise figure for Tasmania, but it is very small and would be equivalent to the South Australian figure on a pro rata basis.

The Greens (WA) would like to see the legitimacy of a political party based on careful analyses within a more democratic process rather than on whether it has a certain number of members in its party.

Hon E.R.J. Dermer: What do you have in mind?

Hon J.A. SCOTT: Whether a party has a range of policies would be a good basis for being registered. I hope that would not cause the Labor Party any difficulties.

Hon E.R.J. Dermer: Not at all.

Hon J.A. SCOTT: Clearly there are legitimate ways of describing a political party. Everyone here knows the purpose of such parties. If a party were found to have been established to channel votes into another party it should not be registered. We need a more democratic process for registering political parties.

The Greens (WA) has members in this Parliament and, if necessary, can scrape up the 500 members required. However, many smaller parties in the community find it difficult to get the numbers.

Hon N.F. Moore: I am sure your members would love to know they could be scraped up.

Hon J.A. SCOTT: That was probably an unfortunate expression, but unlike members opposite I do not always use the perfect words to describe a picture.

Hon B.K. Donaldson: I thought you described it very well.

Hon Derrick Tomlinson: It should be scraped down from the trees!

The PRESIDENT: Order!

Hon J.A. SCOTT: On the one hand the Act condones dodgy practices, such as inducements to get names on a piece of paper. On the other hand it makes no attempt to examine whether a political party in Western Australia should be registered based on its ethics or policies. It would be preferable to have a properly analysed system to examine the legitimacy of parties.

I am disappointed at the lack of scrutiny of political donations provided for in the legislation. There is wide scope for large donations to be channelled through trusts. Section 175R of the Electoral Act provides that the beneficiary of the trustee must be identified. Large amounts of money can be fed through unincorporated associations into political parties and only a couple of people need to be identified.

Not enough is being done to monitor large amounts of money paid to political parties. That can only allow the potential for corruption in our political system. We should always be trying to avoid situations that can lead to corruption. I do not want to see in this House Governments that are bought. I want to see Governments with good policies.

Hon J. A. Scott; Hon Jim Scott; Hon J.A. Scott; Hon Norman Moore; Hon John Cowdell; Hon Helen Hodgson;
The Deputy Chairman (hon Derrick Tomlinson; Deputy Chairman

Although a registered political party can be so registered if it has a member of state Parliament in the party, the Greens (WA) believe that if a party has members in the House of Representatives that should also provide a legitimate reason for registering a political party. I understand the Democrats will move an amendment.

The Greens (WA) support the bulk of this Bill and although I do not think a party should be registered based on how many members it has, it will move an amendment to reduce the number required for a party to be registered. The number should be pro rata the population in each State. The Greens (WA) support the Bill.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.16 pm]: I thank members opposite who contributed to this debate. As was explained, it is an omnibus Bill containing a number of changes to tidy up the Electoral Act. As indicated in the second reading speech and acknowledged by members who spoke, the Electoral Commission proposed the changes. In a sense, therefore, these are a non-political series of amendments.

I was pleased to hear that most members have indicated their support for the Bill. Rather than argue about the various clauses I will wait until we go into Committee to debate the issues. However, in passing, I was interested to hear some of Hon John Cowdell's comments last night that were not strictly related to the Bill, although they related to electoral issues. I was pleased to hear that the Labor Party is maintaining its policy position on one vote, one value with a variation, I think, of 15 per cent.

Hon J.A. Cowdell: That is right.

Hon N.F. MOORE: That will come down in due course.

Hon Helen Hodgson interjected.

Hon N.F. MOORE: Do the Democrats want a variation of 10 per cent?

Hon Helen Hodgson: I thought I heard 10 per cent mentioned in the debate.

Hon J.A. Cowdell: Ten per cent is the Australian Labor Party's policy which is the Commission on Government's recommendation.

Hon N.F. MOORE: Is the ALP's policy for 10 per cent?

Hon J.A. COWDELL: We prefer 10 per cent, but you can make us an offer.

Hon N.F. MOORE: It is important that the people who will be voting in the next election know the Labor Party's policies. That is why we had a long debate on industrial relations.

Hon J.A. Cowdell: It has been the same policy for 90 years.

Hon N.F. MOORE: The Labor Party should maintain consistency. I was confused in the light of its 90-year-old policy when the last redistribution was carried out and the Electoral Commissioners took one seat out of the north west because they thought the population was diminishing. The Labor Party went to great lengths to have it restored on the basis that people in remote areas needed additional support.

Hon J.A. Cowdell: It was going to another area that was already over-represented, rather than the metropolitan area that was under-represented.

Hon N.F. MOORE: That is a good explanation for the occasion. The bottom line is that the Labor Party worked out that it might lose a seat. It was fascinating to sit back and watch as the Labor Party tried to argue that it should put the seat back in the Kimberley. I raise the matter to demonstrate to the House that sometimes it is easy for people like me to be confused by the ALP's position on this matter.

Hon J.A. Cowdell: We will try to clear up the confusion.

Hon N.F. MOORE: I am totally unconfused now. The Labor Party's policy is one vote, one value with a 10 per cent variation; but it would accept 15 per cent if it were offered.

Hon E.R.J. Dermer: The closer it gets to 10 per cent the happier we will be.

Hon N.F. MOORE: That is fine. Hon John Cowdell criticised the Government for not going down that path. I am happy to acknowledge that there has been no pressure on the Government to change the existing electoral system. People have not marched on Parliament House or on electorate offices saying we need to change to one vote, one value. Quite the contrary, the rural communities are saying that they want to hang on to what they have got because it compensates them for some of the disadvantages they suffer.

Hon J. A. Scott; Hon Jim Scott; Hon J.A. Scott; Hon Norman Moore; Hon John Cowdell; Hon Helen Hodgson;
The Deputy Chairman (hon Derrick Tomlinson; Deputy Chairman

The PRESIDENT: Order! The Leader of the House indicated that his comment on the issue raised by Hon John Cowdell would be a passing comment, given that yesterday I had said to Hon John Cowdell that what he had been talking about was not in the Bill.

Hon E.R.J. Dermer: What they need are fewer members working harder.

Hon N.F. MOORE: It is important that people of the regional areas of Western Australia know that Hon Ed Dermer thinks they should have fewer members who work harder. I am happy to tell them what Hon Ed Dermer thinks. No doubt they will be told.

Hon John Cowdell also mentioned in passing the qualifications of persons witnessing enrolments. He commented on a proposal at the federal level. He obliquely related that to this Bill, and hoped that we would not do that in Western Australia, which we are not. He then referred to a period in history when there was a qualification in our law about who witnessed enrolments. I was around when that happened. During the days when Sir Charles Court was Premier, the Government was concerned at some of the activities going on in the north of Western Australia with enrolments on the electoral roll, and other activities of people involved in elections.

Hon J.A. Cowdell: We all heard the comments of Mr Ridge about Aboriginal electors in the court of disputed returns. .

Hon N.F. MOORE: I do not recall exactly what Mr Ridge said. I recall a range of things that took place during that time. I recall the decision by the then Government to appoint Judge Kay to review the Electoral Act on a number of issues. I recall his report which said there should be some control over who signs people up. He recommended that people like justices of the peace should do it. Interestingly, when the Burke Government came into office it made every member of Parliament a JP. That fixed up the problems Mr Burke had with the Electoral Act just like that. That is how Mr Burke worked.

Hon J.A. Cowdell: The Leader of the House does not think MPs would act correctly as JPs!

Hon N.F. MOORE: The law at the time said that JPs could accept electoral enrolments, so Mr Burke made all MPs JPs to fix the problem. We have a string of MPs who are JPs for no other reason than Mr Burke's decision to overcome what he thought was a disadvantage in the Electoral Act. I remind the member that was as a result of a judicial inquiry, and members opposite call for them daily. However, because the Labor Party does not like the results of judicial inquiries, its leader last night called the judge corrupt and the findings of his report corrupt.

Hon J.A. Cowdell: If this was so important, you have had four years to turn it back when you had a majority of both Houses. You did not, so don't complain now.

Hon N.F. MOORE: I am not complaining. I am telling members why it happened at the time. I do not think it is necessary to go back to those times, as Hon John Cowdell suggests we might. We have no intention of doing that. That recommendation came from a judge to try to eliminate some of the excesses taking place in some parts of Western Australia at a time when members of the Labor Party were taking advantage of Aboriginal voters in the north and the eastern goldfields. I thought I would mention that in passing, Mr President.

I will quickly respond to Hon Jim Scott who has an amendment on the Notice Paper to reduce the number of members of a political party from 500 to 250. Choosing a figure is not always easy, and the Electoral Commissioner has recommended 500. That is generally accepted as being a fair and reasonable figure for the number of members to make up a political party. I do not know how many members the Greens (WA) have. I do not know how many members any party has. I just hope our party has 500, so that we will be all right.

Hon J.A. Cowdell: You will need that number when there are no parliamentary representatives.

Hon N.F. MOORE: One of the interesting things about that comment is that the Liberal Party has 14 members in this House. The Labor Party started off with 12 and now it has 10. At least our number stayed the same. I do not know how many more members opposite are thinking about jumping ship, but we will find out. The Liberal Party has 14 of 34 members. This House has several different groupings of which the Liberal Party has far and away the most. Those sort of remarks by Hon J.A. Cowdell are not borne out in reality. I have been here when the Labor Party had nine members, and it was in those days that they were most effective.

Hon W.N. Stretch: They had some quality too.

Hon N.F. MOORE: Quality and not quantity counted at that time. We will have a debate in the committee stage about the amendment being moved by Hon Jim Scott. I trust the House will maintain 500 so that we can at least ensure that political parties have some substance, rather than small groups which might seek to be a political party for a single purpose, register and not really be a political party in the true sense of the term. I thank members for their support.

Hon J. A. Scott; Hon Jim Scott; Hon J.A. Scott; Hon Norman Moore; Hon John Cowdell; Hon Helen Hodgson;
The Deputy Chairman (hon Derrick Tomlinson; Deputy Chairman

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 1: Short title -

Hon HELEN HODGSON: Unfortunately I was detained outside the Chamber on parliamentary business during the afternoon, so I have two matters I did not raise in the second reading debate which relate more precisely to the contents of clauses. I take this opportunity to address some of the issues in the clauses of the Bill. Generally, the Australian Democrats find the registration provisions to be a vast improvement to the current system, which is no registration system. I am pleased to see that to some extent they mirror the federal legislation and in other areas go beyond it.

I was interested to hear Hon Jim Scott refer to having more than six words in a party's name, because that provision is lifted directly from the federal registration system. For that reason, I do not have a problem with it.

One matter addressed in the Western Australian legislation but not in the federal legislation is the use of the words "royal" or "independent" in a political party's name. As I read the federal legislation, "independent" can be used in some circumstances; so I believe that this Bill is an improvement.

I will deal with one issue that I would normally have dealt with during the second reading stage. I have drawn it to the attention of the minister's advisers and it appears on the Supplementary Notice Paper. I refer to the requirements to be registered as a parliamentary party. The Bill refers specifically to being a member of the Legislative Assembly or the Legislative Council. Obviously, that relates to the Western Australian Parliament. I see serious anomalies occurring when a member of the Federal Parliament is elected under the auspices of a particular party. If that party cannot be registered at the state level, that could create problems when state and federal election campaigns are being run concurrently and the same people are standing in both jurisdictions. Many complex issues could arise.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): I draw to the member's attention that, while I recognise her explanation that she was detained on parliamentary business elsewhere and hence could not complete her remarks in the second reading stage, the convention of the second reading stage is that we discuss the principle of the Bill. The committee stage allows members to use the debate on the short title to discuss the clauses of the Bill. It might be more appropriate for the member to deal with the individual clauses when we get to them.

Hon HELEN HODGSON: I am giving the minister advance notice that when we get to that clause I will discuss it. I am giving him the opportunity to consider an issue that may arise later in the debate rather than springing it on him.

Hon N.F. Moore: That is very considerate.

Hon HELEN HODGSON: I would normally have referred to it during the second reading stage. However, because I was unable to do so, I am raising it now so that he has some time to think about the issue.

The proposed registration system is an improvement on the current situation and it will work reasonably well. I will not detain the Committee discussing the administrative clauses one by one. The Australian Democrats support the clauses that streamline the administration, bring it up to date with current communication practices and enable bulk lodging of registrations. Those changes are an improvement on the current practice and some of them will be dealt with in more detail as they arise during this debate.

I will deal with one specific issue relating to registration. Again, I point out that the Australian Democrats support these changes and will not delay debate by commenting later on the way in which constitutions of political parties are subject to public disclosure. That is very sound practice because it gives people the opportunity to see how a party is intended to be governed. We have witnessed some notorious instances recently in which people were unaware of the structure of a party and how it operated until something went wrong and it all hit the media.

Having amplified my comments and drawn the minister's attention to areas that I will address further and issues that will need no further debate, I will allow the debate to progress.

The DEPUTY CHAIRMAN: We thank the member for that. It would have progressed anyway.

Clause put and passed.

Hon J. A. Scott; Hon Jim Scott; Hon J.A. Scott; Hon Norman Moore; Hon John Cowdell; Hon Helen Hodgson;
The Deputy Chairman (hon Derrick Tomlinson; Deputy Chairman

Clauses 2 to 29 put and passed.

Clause 30: Section 25 replaced -

Hon N.F. MOORE: I move -

Page 23, after line 23 - To insert the following new subclause -

- (5) The regulations may provide that if by virtue of section 51B information relating to a person is not shown on a roll, that person's name may be omitted when the Electoral Commissioner makes rolls or information on rolls available under this section.

This amendment amends section 25 by providing that regulations may allow that persons who have their addresses and details suppressed under section 1B may also have their names suppressed on rolls available for inspection or sale. People can access the roll either by inspecting it at the Electoral Commissioner's office or by purchasing it. This proposal provides that a person may have his name removed from that roll when it is made available for those purposes. The Electoral Commissioner believes that this will provide a higher level of security for people who meet the requirements of section 51B; that is, those who would normally have their addresses suppressed. Given the way in which these rolls can be used - for example, in local government elections - in some areas it may be possible for someone to be traced because his name is included. The Electoral Commissioner believes that this provision is appropriate to give a higher level of security to individuals whose personal details are not generally on the roll but who, under certain circumstances, have their names suppressed altogether.

The rolls provided in polling booths on polling day or to members and political parties will include those names. This relates only to those rolls that are made available for inspection at the Electoral Commissioner's office or those offered for sale. It makes sense that we try to provide as much security as possible for those people.

Hon J.A. COWDELL: The Labor Party will not oppose this amendment on the basis of the assurances that have been given; that is, that this subclause is clearly applicable to section 25 but not to section 25A. Therefore, sets of rolls will be available for crosschecking with the central roll. Presumably the roll that is made available for purchase or inspection at the Electoral Commission will have a number but no designation. I understand that at the moment every elector has a number beside his name and address. I assume that the roll currently has a number and a name but no address for a silent elector. Will there be a number and no name and no address now? I notice from the Bill that silent electors will now be placed on the general postal vote roll. Does that mean they will be sent a postal vote automatically and will not, in the normal course of events, be expected to front up at a polling booth on polling day?

Hon N.F. MOORE: The answer to the first question is that the number will still appear on the electoral roll. I do not think we could change that, because everybody else's number would then also need to change. There will be a number, and then a blank.

Hon J.A. Cowdell: You will need to know the quantum total.

Hon N.F. MOORE: Yes. The answer to the second question is that these people will need to apply for a postal vote -

Hon J.A. Cowdell: They will not be on the general postal vote list?

Hon N.F. MOORE: They will need to apply to become postal voters.

Hon J.A. Cowdell: It is only an entitlement to apply for a general postal vote?

Hon N.F. MOORE: Yes.

Hon HELEN HODGSON: What arrangements will be made for people in remote areas to have access to an electoral roll, because formerly they could go directly to the electoral office in their district? It is not prescribed in the Bill, and I am happy for it not to be prescribed, but I want to know what arrangements will be made.

Hon N.F. MOORE: There are no electoral offices in regional Western Australia. The only electoral office is in Hay Street, Perth. Rolls are made available to libraries in a number of communities in Western Australia, and people can access them there.

Hon Helen Hodgson: Will that continue?

Hon N.F. MOORE: Yes. That is a decision of the Electoral Commissioner, and is a sensible one.

Amendment put and passed.

Hon J. A. Scott; Hon Jim Scott; Hon J.A. Scott; Hon Norman Moore; Hon John Cowdell; Hon Helen Hodgson;
The Deputy Chairman (hon Derrick Tomlinson; Deputy Chairman

Clause, as amended, put and passed.

Clauses 31 to 33 put and passed.

Clause 34: Section 81A inserted -

Hon N.F. MOORE: I move -

Page 25, line 26 - To delete "send to" and insert the word "give".

Page 25, line 28 - To delete "facsimile" and insert the word "copy".

Page 26, after line 2 - To insert the following subclause -

- (6) The reference in subsection (5)(b)(ii) to a copy of the nomination paper includes a reference to a copy generated by way of transmission by facsimile or other electronic means under section 210(2).

These amendments are designed to make it clear that it is required that the returning officer be given a true copy of the nomination paper. The paper may be given by hand, courier, mail or electronic means, and the copy may be a photocopy or a copy generated by facsimile or other electronic means. This amendment is the result of a request by the opposition spokesperson in the other place to clarify this matter. I am advised that the returning officer may be in the same building, so to require that the returning officer be sent a facsimile of the nomination paper does not make a lot of sense.

Amendments put and passed.

Clause, as amended, put and passed.

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Sitting suspended from 3.45 to 4.00 pm