

ELECTORAL AMENDMENT BILL 2000

Committee

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

Clauses 35 to 60 put and passed.

Clause 61: Section 4 amended -

Hon N.F. MOORE: I move -

Page 45, line 14 - To delete "a constitution that specifies".

Page 45, line 27 - To delete "a constitution that specifies".

The amendments to this clause and those on the Supplementary Notice Paper relating to clause 62 are related. Their only purpose is to correct a drafting error. The requirement that the aim of promoting parliamentary candidacy be in a written constitution of a political party should not have been included in the general definition of "political party". That is relevant only to political party registration under section 62H, not in other cases in which the defined term "political party" is used - that is, in relation to the registration of existing parliamentary parties under section 62I and in the financial disclosure provisions in part 6. I hope that explains the circumstances of these amendments.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 62: Part IIIA inserted -

Hon J.A. SCOTT: I move -

Page 46, line 25 - To delete "500" and insert "250".

This clause is unfair as a number of existing smaller parties will no longer be able to put their names on ballot papers. It will make it very difficult for them to stand candidates at elections. It is also out of kilter with that which applies in all other States. This number has been lifted from the Queensland legislation. That State has twice the number of electors as Western Australia. The New South Wales legislation sets the number at 750 and that State has three times as many electors. The South Australian legislation requires 120 members and that State has a similar number of electors as those in Western Australia. This legislation clearly sets the highest hurdle on a pro rata basis of any State in Australia. While it makes life easy for the administration of elections, it is undemocratic, and the Greens (WA) never support undemocratic moves. We ask other members to support this amendment. We believe it enhances our system because it is inclusive rather than exclusive.

Hon J.A. COWDELL: The Labor Party will not support this amendment. It believes there should be criteria for the establishment or recognition of political parties. This is an appropriate level of membership. I expect that even the Curtin Labor Alliance and similar parties will be able to meet this requirement. We should avoid the New South Wales situation, which allows for parties with a membership of one - for example, the "I want to be elected" party, the sham party and the front party. I note that One Nation has been registering the no GST and anti-nuclear waste parties. The party must be genuine, not simply a couple of people declaring themselves to be a party or a mass movement.

Hon N.F. MOORE: The Government also does not support the amendment. As I said during the second reading speech, it believes that 500 is the appropriate figure. This figure was recommended to the Government by the Electoral Commissioner after he considered the situation in other States with a registration system.

We could argue whether the figure should be 200, 450, 700 or 5 000. On balance, the Government believes 500 is a fair and reasonable figure, bearing in mind that we are talking about the number of members required to enable a political party to be registered, and that the aim of a political party is to have members elected to Parliament; therefore, it should represent a reasonably significant number of people in the community who want to put forward a candidate.

Hon HELEN HODGSON: The Australian Democrats support this amendment. We are concerned that the figure of 500 is disproportionate, because the federal legislation also has a figure of 500, yet there are considerably more electors in the whole country than there are in Western Australia. A figure of 250 is more reasonable in terms of the population and voter base of Western Australia.

Amendment put and a division taken with the following result -

Extract from Hansard
[COUNCIL - Thursday, 14 September 2000]
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Hon Derrick Tomlinson; Hon N.F. Moore (; Hon Norman Moore; Hon Jim Scott; Hon John Cowdell; Hon Helen Hodgson

Ayes (5)

Hon Helen Hodgson
Hon J.A. Scott

Hon Christine Sharp
Hon Giz Watson

Hon Norm Kelly (*Teller*)

Noes (19)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer
(*Teller*)

Hon Peter Foss
Hon G.T. Giffard
Hon Ray Halligan
Hon Barry House

Hon N.F. Moore
Hon M.D. Nixon
Hon Ljiljanna Ravlich
Hon B.M. Scott

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Ken Travers
Hon Muriel Patterson

Hon Max Evans

Hon Murray Montgomery Hon Tom Stephens

Amendment thus negatived.

Hon N.F. MOORE: I move -

Page 46, after line 25 - To insert -

that has a constitution that specifies as one of its objects or activities the promotion of the election to the Parliament of the State of a candidate or candidates endorsed by it;

I talked about that earlier and the same reasons apply as applied to the original amendment to clause 62.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 47, line 3 - To insert after "Council" -

or a member of either House of the Parliament of the Commonwealth in relation to Western Australia

I mentioned this briefly when I spoke to the first clause of the Bill. I am concerned that because of the way the legislation is currently drafted, it refers to a parliamentary party having only members of the State Parliament of Western Australia. That can cause some anomalies when a party has a federal member who cannot register under state law. In every party I can think of, a person has contested both state and federal elections in consecutive elections. In one situation a person would be able to identify himself as a member of a party, but in the state election he would not be able to identify himself as a member of the party although representing the same views and policies, albeit in a different forum, in both situations. This amendment is consistent with the registration provisions of the federal legislation which provide that a parliamentary party can include a member of the Federal Parliament, a State Parliament or a member of the Assemblies of the two Territory Parliaments.

A potential issue of concern arises, as we would not want the legislation to be so broad as to allow a member of a party that is representing New South Wales but not Western Australia. The only party I can think of off the top of my head, without implying anything against this party, is the Better Future for our Children party. To the best of my knowledge, it has not put its head up in Western Australia, although I am sure the Electoral Commissioner would know if I am incorrect. It should not have the protection of being a parliamentary party by virtue of having a member elected in New South Wales when it does not have any representation in Western Australia. That situation has been dealt with because the amendment refers to only if the party has a member in the Parliament of the Commonwealth in a Western Australian seat. For those reasons this simply removes any potential anomalies that might arise.

Hon J.A. COWDELL: The Australian Labor Party supports this amendment. It believes that if we are defining the criteria for registration of a political party, a reasonable element of that criteria would be that if a party gained a representative in a Western Australian constituency for the House of Representatives or in a Western Australian constituency for one of the 12 Senate seats, given the percentage of the vote required in either of those cases, it is a reasonable indication of substance for registration as a political party. Were this to apply generally to a representative in the House of Representatives or the Senate, which might apply to States other than Western Australia, we would not be supporting it, but as it is specific to the State we are willing to support it.

Hon J.A. SCOTT: The Greens intended to move a similar amendment had Hon Helen Hodgson not moved her amendment. We can see that problems could arise with federal members of a party that was not represented in the State Parliament. We will support the amendment.

Hon Derrick Tomlinson; Hon N.F. Moore (; Hon Norman Moore; Hon Jim Scott; Hon John Cowdell; Hon Helen Hodgson

Hon N.F. MOORE: The Government does not support this amendment. We are talking about the definition of a parliamentary party under state law. We say that a parliamentary party is a political party if at least one member is a member of the Legislative Assembly or Legislative Council. Therefore, the definition relates to the membership of the Western Australian Parliament. A parliamentary party under state law should be a parliamentary party that exists by virtue of having members of the State Parliament. We are being asked to acknowledge that a parliamentary party in Western Australia can be a party that does not have a member in the State Parliament; it may have a member in the Federal Parliament but not the State Parliament. That is a bit obscure and unusual.

I would prefer to give further thought to this. Hon Helen Hodgson said that the amendment is new one which has just arrived on the desk. I would like to report progress with the view of looking at it a little more. I have been advised that it is the intention of the mover to insist on this. If the House agrees, better words would cover it, because the wording of the amendment is "or a member of either House of the Parliament of the Commonwealth in relation to Western Australia". I am not sure what "in relation to Western Australia" means. It is arguable that it does not mean that the member must necessarily come from Western Australia. The wording must be looked at quite carefully. I am also advised that if we were to agree to that amendment, further amendments would be necessary to other parts of the Bill to cover the effect of it. I suggest, Mr Chairman, that you report progress and seek leave to sit again at the next sitting of the House. Between now and next week I will discuss the matter further and maybe come back with the continuation of the Government's view that we should not agree to it, or better and additional drafting, if it is required.

Progress reported and leave granted to sit again.