

ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023

Council's Amendments — Consideration in Detail

Resumed from an earlier stage of the sitting.

Debate was interrupted after amendment 3 made by the Council had been partly considered.

Mr J.R. QUIGLEY: As I was explaining before lunch, it was always envisaged that a person could utilise a state campaign account, as mentioned in the earlier debate. Indeed, I think I alluded to the fact that the Labor Party already has a general account and ledgers for each of the electoral districts in the Legislative Assembly into which people can deposit their campaign funds and from which campaign expenses are met. This amendment will make it absolutely, abundantly clear to anyone reading the act that that is a legislated scheme, that there will be a state campaign account and that a person can make a payment only from their state campaign account. The legislation currently provides an option. A political entity—a candidate is a political entity—can run a state campaign account solo or they can nominate the party of which they are a member to have a state campaign account that will then be controlled by the party. That will enable the party to have an overview of the total expenditure—that being expenditure caps, as the member would appreciate, and not donation caps.

Ms M.J. DAVIES: I want to be really clear because I left this chamber thinking that there would be just one state campaign account and that that was going to cause some challenges for our organisation because we have a very decentralised process. Traditionally, we have run our own campaign accounts and there has also been a central account. I thought that that was going to change and the legislation would provide for just one account. I am trying to understand the nature of the amendment. Will it still be the case that both an individual candidate and the party cannot have a state campaign account, or can they? I am trying to understand this. Can a candidate have a state campaign account if they are part of a party organisation, and if a candidate does not want to have their own state campaign account, will they have to nominate their party's state campaign account as the clearing house for the expenditure?

Mr J.R. QUIGLEY: That is right, member. I think that is quite well put so I will just agree to it, not for the sake of agreeing but because what the member stated is correct. A candidate for the Nationals WA will have an option, as will all members of all parties. A person will be able to run—I appreciate that the member is not intending at this stage to run —

Ms M.J. DAVIES: No. It's on the record again.

Mr J.R. QUIGLEY: A candidate for Central Wheatbelt could have their own campaign account or they could nominate the Nationals WA for the campaign account.

Ms M.J. DAVIES: Within this clause, from my recollection of the briefing, there needs to be an acceptance by the entity that it accepts the candidate's nomination. I presume we cannot have candidates nominating political party campaign accounts willy-nilly. If I, as Mia Davies, candidate for Central Wheatbelt, nominate the Nationals WA's state campaign account as my campaign account, how do I prove that that has been agreed to between the two entities to meet the requirements of the Electoral Commission?

Mr J.R. QUIGLEY: If someone is a member of a political party that has rules, that will be easily provable.

Ms M.J. DAVIES: The constitution of the National Party is an interesting beast.

Mr J.R. QUIGLEY: One would have to be an ass to put all their fundraising into a party's state campaign account without that. A candidate cannot spend anything on their own election that is not coming out of their state campaign account, whether it is theirs or their nominated party's. As I said, one would have to be a complete ass to be putting it into a state campaign account if there was not an agreement that their expenditure, up to the capped amount, would not be met. There has to be consent because people will need to demonstrate that they have spent less than the cap.

Ms M.J. DAVIES: I will ask it a different way. Is it implied consent? I understand; it is common sense, but then there are all sorts of things that are common sense that, when it comes to the nitty-gritty, do not appear to play out that way. Will there be a form to fill out? What will the Electoral Commission require candidates to do to say, "This is who I am nominating"? How will that be done?

Mr J.R. QUIGLEY: From April, the Electoral Commission will be engaging with the parties and showing the system live. There will have to be a form so that the commission knows, in respect of that electorate, where it looks to to see the expenditure. The political entity will have to nominate a campaign account into which it will go. There will need to be a signature by both parties to agree that that is the campaign account. That is what the commission will introduce once the bill has been passed. It will be on the form.

Ms M.J. DAVIES: Thank you, minister. This applies to candidates, members of Parliament and associated entities, but not to third-party campaigners; is that correct?

Mr J.R. QUIGLEY: It is not correct for third-party campaigners. We did not want a situation in which a third-party campaigner could nominate another entity and have it all hidden. If there is going to be a third-party campaigner entering the field in an election, they will need to be accountable for what they raise and what they spend.

Question put and passed; the Council's amendment agreed to.

Mr J.R. QUIGLEY: I move —

That amendment 4 made by the Council be agreed to.

Ms M.J. DAVIES: I have the notes, but for the purposes of this house, could the minister explain why this new amendment was required to be moved in the Legislative Council and brought back to the Legislative Assembly?

Mr J.R. QUIGLEY: It was to make sure that it was clear to elected members of Parliament that they will have a participation date from after the commencement of the legislation. It makes it abundantly clear that all members will be included in the state campaign accounts; after the proclamation of the act, there will be a participation date that will apply to people sitting in Parliament already who are political entities as well as candidates.

Ms M.J. DAVIES: Who identified this? Did this come about through discussions in the Legislative Council, or was it something that the Electoral Commission or Parliamentary Counsel raised? The number of amendments to this legislation is quite unusual. I appreciate we are trying to get it right, but it is relatively unusual to see this many amendments come back. There were a number made on the floor in the other place and here as well. I am trying to understand where it has come from.

Mr J.R. QUIGLEY: The Parliamentary Counsel's Office, which drew the bill, brought this to us during the process of the bill being before Parliament. The bill had been looked at, and looked at even after it had gone through cabinet. Everyone is anxious that this works properly. Parliamentary Counsel brought this to our attention and suggested the amendment.

Ms M.J. DAVIES: I have one last question. In that sense, perhaps it may have been useful for the bill to go to the Standing Committee on Legislation. All the amendments could have been picked up in one go. I wonder why the minister was reluctant to allow it to go for a review by the legislation committee so we did not have this iterative process that we are dealing with now.

Mr J.R. QUIGLEY: It spent a considerable amount of time in Committee of the Whole House in the other place. It was not the legislation committee, but it was the Committee of the Whole House. It is critical for the government that we get these amendments passed in this calendar year. There is an election due in March 2025. Everything has to be up and going by 1 July. If we take out Christmas, the holiday period and most of January—everyone gets a little bit disengaged—the commission is still working. Its target is to have a substantial amount ready by the end of March so the Electoral Commission, not the government, can start engaging with all parties. All the parties will be registered so it will know whom it is engaging with, and it can help parties get up to speed. I spoke to the commission and saw that we should, as a matter of priority, get this legislation through Parliament this year.

As I said, talking about the Standing Committee on Legislation, it went to the Committee of the Whole and was interrogated very thoroughly in the Committee of the Whole. We knew at the end of the day, as today—though I was a bit taken aback—that the opposition will vote against it. It has made that clear. That was not made clear until the member's third reading speech.

Ms M.J. Davies: No; that is not right.

Mr J.R. QUIGLEY: I did not get a hint of that.

Ms M.J. Davies: Yes, in the second reading. The minister needs to review *Hansard*.

Mr J.R. QUIGLEY: The member said she would interrogate it; she did not say she was going to vote against the bill. Anyway, be that as it may, we had to get this through this year to make sure that there is no stumble going into an election and that the commission has a clear run next year. I want to get to the parties by April.

Ms M.J. DAVIES: I said that was the last one, but I will have another go.

Mr J.R. Quigley: When I say “get to the parties”, I mean engage with the parties. That would be better language.

Ms M.J. DAVIES: I appreciate that, minister.

I draw the minister's attention to the fact that I know from experience that when amendments were made in the chamber when we were in government, as they were in the Legislative Council, without the opportunity for the opposition at the time to consider or caucus on them, they were met with great consternation. That was done on a number of occasions. In those cases, members in the Legislative Council who are not the shadow ministers needed to make decisions without having been afforded time to consider what was being put forward. Most of these amendments seem relatively sensible so the opposition is happy—within the confines that this is going to go through no matter what—to see them supported, but it would be remiss of me not to make the point that when such things

happened when we were in government, they were met with fairly serious outcry from members of the then opposition if they had not had the chance to discuss the changes being proposed by the government of the day. That is all I have to say on the amendments. I thank the minister for the answers.

Question put and passed; the Council's amendment agreed to.

Mr J.R. QUIGLEY — by leave: I move —

That amendments 5 to 10 by the Council be agreed to.

The remaining amendments that relate to clause 128 have been put as separate amendments down to amendment 8. They have all been dealt with already.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.