

**CONSTITUTIONAL AND ELECTORAL LEGISLATION AMENDMENT
(ELECTORAL EQUALITY) BILL 2021**

Second Reading

Resumed from an earlier stage of the sitting.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.05 pm] — in reply: Before we were interrupted by question time, I was making a point about the statement made by Hon Martin Aldridge about the explanatory memorandum. I want to make it clear that his point was inaccurate. He said that having 37 members makes it easy for the government to form a majority in both houses. That is inaccurate. The EM simply refers to the Legislative Council, not the Legislative Assembly, and states —

Having an odd number of Council members makes it easier for a party that wins a majority of votes to win a majority of seats.

I would also like to clarify something that I said during the course of my earlier comments about Hon Colin Barnett and fixed four-year terms in 2008. I was making the point that the Electoral and Constitution Amendment Bill 2011 was not subject to a referendum and not a question put for the specific consideration of the people of Western Australia. But I do concede that it was a point that was raised during the 2008 election campaign. For whatever it is worth, I just wanted to make that particular point clear.

During the debate, Hon Steve Martin queried whether the President's impartiality would be affected under a 37-member chamber. The first point is that the question of a President's casting vote only comes into play when the chamber is evenly split on a division. We agreed that the President's vote should be used rarely, and that will continue to be the case. The purpose of the thirty-seventh member is that on those rare and contentious decisions when the vote is tied, the President's casting vote will actually have value.

I will turn to the new registration requirement included in the bill. Hon Wilson Tucker in particular argued that these would place an insurmountable burden on minor parties and were ill thought out. I can assure the chamber that these elements were considered carefully. The principal argument for tightening registration requirements is that entry onto the ballot paper is a privilege and we want to avoid the chaotic situation that occurred in New South Wales in 1999 with the infamous tablecloth ballot paper. Political parties should be able to demonstrate a genuine foundation of community support in order to get onto the ballot paper. Hon Wilson Tucker indicated that the requirement for parties to engage with memberships to satisfy the registration nominations will be unduly onerous. I would like to point to New South Wales where the requirement is for 750 unique members, compared with the proposed 500, and similar to this bill, New South Wales requires a \$2 000 fee on application. New South Wales has 15 registered parties so the requirements there have not prevented parties like the Reason Party, The Open Party and Flux NSW from registering and participating in the electoral system, notwithstanding the higher threshold for unique voters.

Several members reflected on the level of consultation between the Ministerial Expert Committee on Electoral Reform and the Western Australian Electoral Commissioner. The Western Australian Electoral Commission was consulted on what it needed to be consulted on—the practical operational elements of this reform, not the policy. What I find troubling is the suggestion by some that the Electoral Commissioner should have been involved in implementing government policy. Hon Tjorn Sibma hit the nail on the head when he described the WAEC as the principal independent agency responsible for our electoral system. I can imagine the wails of protest had this government politicised the key independent officeholder and appointed Mr Kennedy to the expert committee. I suspect that Mr Kennedy would not have accepted that appointment, being the experienced former high ranking public servant that he is, and knowing that it would have been completely inappropriate for the Electoral Commission to be involved in implementing government policy. The Minister for Electoral Affairs has been clear: he did not want to risk politicising this independent statutory office by even talking to the Electoral Commissioner about the reform prior to the publication of the final report—that is the minister speaking to the commissioner—let alone putting him on the ministerial expert committee.

Several members raised voter participation and the need to lift participation in remote areas of the state. The Minister for Electoral Affairs during the debate in the other place made it clear that he is committed to everyone having unimpeded reasonable access to vote. Consultation with the Western Australian Electoral Commission will occur on this front as part of the next tranche of reforms to the Electoral Act.

I do note that the federal government's proposed voter identification legislation requiring the production of identification before casting a vote will have huge implications for Indigenous Australians and those experiencing homelessness. I trust that members opposite will be writing to their federal colleagues to express their outrage and concerns about these voter participation requirements.

In conclusion, this bill recognises the government's deeply held view that all Western Australian voters are equal and they should be treated as such by this chamber. The Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 will abolish the group voting ticket system, which has thrown up anomalous results that have shocked and dismayed the public and held the chamber to ridicule. The McGowan Labor government is proud to have pursued this reform in the interests of all Western Australians and I proudly commend this bill to the house.

The PRESIDENT: Members, the question is that the bill be read a second time. Before I put that question, the second reading of this bill requires an absolute majority pursuant to section 16M of the Electoral Act 1907. If there is a dissenting voice when I put the question on the second reading, I will divide the house.

Division

Question put and a division taken with the following result —

Ayes (21)

Hon Klara Andric	Hon Peter Foster	Hon Dr Brad Pettitt	Hon Dr Brian Walker
Hon Dan Caddy	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Shelley Payne (<i>Teller</i>)
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Rosie Sahanna	
Hon Kate Doust	Hon Ayor Makur Chuot	Hon Matthew Swinbourn	
Hon Sue Ellery	Hon Kyle McGinn	Hon Dr Sally Talbot	

Noes (10)

Hon Donna Faragher	Hon Steve Martin	Hon Dr Steve Thomas	Hon Colin de Grussa (<i>Teller</i>)
Hon Nick Goiran	Hon Sophia Moermond	Hon Neil Thomson	
Hon James Hayward	Hon Tjorn Sibma	Hon Wilson Tucker	

Pairs

Hon Samantha Rowe	Hon Martin Aldridge
Hon Pierre Yang	Hon Peter Collier

Question thus passed with an absolute majority.

Bill read a second time.