ELECTORAL AMENDMENT BILL 2000

Second Reading

Resumed from 29 June.

HON J.A. COWDELL (South West) [8.37 pm]: The Australian Labor Party supports the second reading of this long overdue Bill. . Members may recall that the last electoral amendment Bill before the House was in 1996. It dealt with matters such as the extension of disclosure provisions, the increase in candidates' deposits and the move to bring our informality provisions for voting for the Legislative Assembly in line with the informality provisions for voting for the House of Representatives. I understand that post that amendment, the Commonwealth changed its legislation. Therefore, we are out of kilter with the Commonwealth again, although I do not know that further amendments are necessary and that we need to follow the Commonwealth down every rabbit hole it happens to jump into. However, more of that later.

The Commonwealth amendment dealt with the Langer problem. Members would be aware that the device of filling in the squares with one, two, three, three and three, and because every square is filled it is counted as a valid vote, it became a problem because, of course, it was against the law for people to advocate it, but not for people to do it. The simple procedure of the Commonwealth was to move back to making such votes invalid, which substantively cured the problem.

Hon Norman Moore - it was his speech advocating these changes - convinced us in 1966 to computerise counting of the Legislative Council count-backs. There was, of course, a streamlining of fines for non-voting and coordination of reporting periods with the Commonwealth and reporting on associated entities. It is long overdue that we should again have an Electoral Amendment Bill. It is even more overdue that we should have an amendment to the Electoral Distribution Act 1947. Other members in another place strayed in that direction and referred to that Act rather than the Electoral Act. It is not my intention to stray in that regard and embarrass the Government by referring to any of its pledges: For example, in its response to the Commission On Government recommendations 250, 255 and 256, the Government stated -

> The Legislative Assembly cannot continue with the current arbitrary boundary line between metropolitan and non-metropolitan seats, with the present fixed allocation of seats . . . The Government considers that the Legislative Assembly should move far closer to a basic equity of enrolments. The Government will address reform in the next Parliament.

I do not intend to embarrass the Government by going through its set of pledges and how meaningless they are. Nor will I refer to the Government's concern about situations that may have arisen following the 1989 election when a party that received 47.5 per cent of the vote still constituted the Government of this State and a coalition of parties that received 52.5 per cent did not. I am sure the Government is willing to live with any embarrassment that might arise in the near future by attracting 45 per cent of the vote and still enjoying the treasury benches.

Hon N.F. Moore: Can you give us some indication now of your policy on this issue?

Hon J.A. COWDELL: Of course. I have every intention.

Hon N.F. Moore: Will you tell us unequivocally that you will legislate for one-vote, one-value?

Hon J.A. COWDELL: I will tell the Leader of the House unequivocally that we would legislate along the lines proposed by the Commission on Government, which is a common quota; that is, one quota for Legislative Assembly seats, with a variance of plus or minus 15 per cent.

Hon N.F. Moore: Have you changed your vote about one-vote, one-value?

Hon J.A. COWDELL: We would prefer 10 per cent, but in response to the COG recommendation, we said we would be willing to go to that extent. I acknowledge that in order to get any legislation through, we may have to accommodate the National Party and go to 20 per cent, but that is another matter.

Hon N.F. Moore: So you have changed from one-vote, one-value?

Hon J.A. COWDELL: No, not at all.

Hon N.F. Moore: You would rather 10 per cent?

Hon J.A. COWDELL: We would be happy to at least achieve the situation achieved by the Commonwealth by 1902 as a step in the right direction. As I said, I do not want to dwell on pledges that may embarrass the Government, realising that it may be embarrassed further shortly by -

Hon N.F. Moore: The Government is not embarrassed.

Hon J.A. COWDELL: Of course, it never has been embarrassed about occupying the treasury benches with less than a plurality of the vote.

Hon E.R.J. Dermer: A more equitable Government would be embarrassed.

The PRESIDENT: Order! Hon John Cowdell is addressing the Chair.

Hon J.A. COWDELL: This Bill is an omnibus amendment of the Electoral Act rather than the Electoral Distribution Act, which, as I said, and as Speaker Strickland identified in some of his fine speeches in another place, urgently needs attention. Generally speaking, the Australian Labor Party supports this legislation. I note that the minister's second reading speech mentioned that fact. The conclusion of the speech was as follows -

> Some of these amendments may be minor but none is trivial. They have all been recommended by the Electoral Commissioner to enable the smooth running of the Electoral Act and the conduct of elections. They make for an Electoral Act that is more efficient and modern, and that makes disclosure that much more effective. They have been put forward in a bipartisan spirit, and it is my understanding that the Opposition supports the Bill and its passage through the Parliament.

Indeed, that is correct. The bipartisan support, or almost multi-partisan support - but I do not want to pre-empt colleagues on the crossbenches - is due in no small part to the diligence of the Electoral Commissioner in consulting with people of all shades of opinion within this Parliament to ensure that there was an understanding of the different views on what is contained in this Bill and that those views were taken into account.

Obviously, the most important change in the Bill concerns the registration of political parties. That is part 9 of the Bill, which provides for a new part IIIA of the Electoral Act. A number of factors commend the adoption of such a formal registration system. Apart from the Northern Territory, presently Western Australia is the only electoral jurisdiction in which political parties are not registered. Currently, section 113C requires approval for the printing of names of political parties on ballot papers, which is a sort of quasi-registration. The procedure envisaged in this Bill is much more thorough. As a result of that more thorough system, section 113C(4), (8), (9) and (10) will be repealed because there is a need only to mention the registered political party in that section, rather to establish a procedure.

The minister commented in his second reading speech that this form of registration will enable the registration of all political parties now represented in the Parliament of Western Australia, and any other political party that provides a list of names and addresses of at least 500 members who are electors. Of course then there are certain prohibitions. The second reading speech stated -

> The Electoral Commissioner will be able to refuse registration of a party name that comprises more than six words, that is obscene or offensive, that includes the words "royal" or "independent", that is already a party or public body name, or that so nearly resembles a party or public body name that it is likely to cause confusion.

There are various provisions for deregistration of any party that is registered. After reading those comments, I note the recent events in New South Wales in what one might call the Ettridge-Oldfield conspiracy. We must ensure that our legislation does not allow that doubling up of names; that is, a member of the House who might declare his or her membership of more than one political party for the purpose of registering a range of parties.

Hon J.A. Scott: There seems to be some concern about which party people belong to at the moment. There has been a little bit of movement in that direction.

Hon J.A. COWDELL: Hon Jim Scott suggests there is some confusion. Although there may be fluidity, we should adhere to the principle that one label should be attached to wherever the member is heading. In New South Wales one sitting member, David Oldfield, registered One Nation and, I think, the "No GST" party at the same time.

I also express concern that the 500 names not be recycled again and again. If there is a set of 500 names to register one party, they should not be used again to register another party. If it is to be 500, it should be 500 genuine and separate electors.

Obviously, there is provision to prevent registration of certain names which may cause confusion or which may be closely identified with existing parties. Of course, the Australian Labor Party is no stranger to that sort of misrepresentation or attempt to blur lines. We have the Curtin-Labor Alliance at the moment - a combination of elements of what appear to be ex-Labor, the Citizens Electoral Council and other assorted bits and pieces.

Hon Greg Smith interjected.

Hon J.A. COWDELL: I think they meet in a circle. As I say, we have been no stranger to this sort of situation.

Hon J.A. Scott: It is a broad church, like the Liberal Party.

Hon J.A. COWDELL: It is a broad church. I will not get onto the Democratic Labor Party analogies. Labor has had to put up with various titles, including the Australian Labor Party anti-communist, which became the Democratic Labor Party. Then, under the commonwealth procedure, the registration of the Progressive Labour Party was allowed. No doubt it is interesting for the Liberal Party to be in a similar situation with Liberals for Forests at the moment - a situation with which we have been dealing for decades. The term "Labor" has been used in the title of various other political parties normally, but not always diametrically, opposed to us.

Hon J.A. Scott: Sometimes parties move away from their traditional area so somebody may have to take up that area.

Hon J.A. COWDELL: Hon Jim Scott identifies a real matter of concern - that the Australian Democrats might be stealing the Greens (WA)'s credentials to gain a sector of the vote. However, I will not pursue the legitimate concerns advanced by the member.

The most important change to the legislation will affect the registration of political parties, and is supported by the Australian Labor Party. It also supports the enhanced disclosure provisions, although they are not remarkable. Part 8 of the Bill will amend section 175 of the Electoral Act, which is the definitions section of the disclosure provisions. New paragraph (ea) will be inserted to broaden the definition of electoral expenditure to include the production and distribution of mail-outs. The proposed change to section 175E(4), which deals with the appointment of agents, is worthwhile. The change will allow a greater period in which members can appoint compliance agents, and individual members will no longer be relied on to come up to the mark and get things in, which is wise. The proposed changes to section 175ZF will require agents of political parties to lodge returns identifying entities associated with the parties. Further, a political party will no longer be able to avoid compliance with the disclosure provisions by dissolving itself. Those changes, while not of great magnitude, will be worthwhile enhancements to the disclosure provisions.

Unfortunately, the Bill does not deal with the operation of section 175ZE. This section might need to be amended, although I think its problems could be dealt with by administrative action. The section requires a public agency to disclose its advertising expenditure in its annual report. However, it does not prescribe a mechanism for ensuring that agencies comply with the provision. The provision is contained in the Electoral Act, therefore the role of ensuring compliance should be performed by the Electoral Commissioner. In the first year after the section was introduced in the 1996-97 financial year, I think the only people awake were from the Electoral Commission - who managed to put that information in their annual report. There might have been a couple of others but it was mainly a "miss" situation. The Auditor General may have been embarrassed that his office did not pick up the requirement in the first year either.

By 1997-98, it was a hit and miss affair with perhaps half of the agencies that were required to report waking up to the fact. A Treasurer's notice was issued and a few more woke up in 1998-99. In 1997-98 there was a disclosure in the order of about $30m worth of advertising expenditure. With better compliance, but with not everyone complying, I identified the advertising expenditure as best I could by going through the list. I have come to a figure in the vicinity of $51m for the 1998-99 financial year. There is probably another $8m missing out of there. There is probably a total in the vicinity of $60m for the 1998-99 financial year. One would expect to see an escalation for the 1999-2000 financial year.

The Government often likes to underquote this figure and has no great interest in accuracy. It is something of which Hon Derrick Tomlinson would be aware. He was a fervent supporter of the absolute need for this in the 1992 debate. We now have it but there is no mechanism to make sure that it works. I think we are gradually getting there. I note the comments of the Premier when he referred to annual expenditure of $45m. Even during 1998-99, these very incomplete returns point to an expenditure in the vicinity of $60m. I do not know what the figure would be for 1999-2000. I look with interest to the annual returns of the various agencies that are required to comply. Section 175 is being amended, but not section 175ZE. I raise my concern about the operation of this section as it is not subject to amendment.

Hon N.F. Moore: Is the member suggesting it should be amended?

Hon J.A. COWDELL: I suggest it may be possible and would be helpful, through administrative measures by the Electoral Commissioner, to ensure that all agencies are aware of their obligations and that a report is given in a compilation form, similar to the one I am holding. I am trying to work my way through this report; firstly to try to find out which agencies are obliged to comply. It is a detective task in itself. I will then work out whether the agencies have managed to get their annual reports to Parliament for tabling. Some of the agencies have not managed to do that.

Hon N.F. Moore: What has any of this got to do with the Bill?

Hon J.A. COWDELL: This clause will be amended and this situation is being overlooked.

Hon N.F. Moore: That is why I asked if it should be amended, and you said it did not need to be.

Hon J.A. COWDELL: I am suggesting it may need amendment, but under standing orders I am unable to move an amendment. Nonetheless, I hope the matter can be overcome by administrative measures. It must be considered and it is legitimate to raise the issue. This is a very mild clause that provides for disclosure in annual reports of money spent on advertising. It refers to various categories of campaign and non-campaign advertising. From memory, campaign advertising generally constitutes about two-thirds of the advertising expenditure, and non-campaign advertising constitutes about one third of it, based on the Premier's recent calculations in that regard and on the law of averages.

I note the Foss clauses that were meant to toughen up this milk and water disclosure clause are missing in action. The clause advocated by various government members of this Chamber prohibiting government advertising during an election period was considered to be essential at the time. It was moved in this Chamber as an amendment by the now Attorney General, Hon Peter Foss, accepted in a modified form by Hon Joe Berinson for inclusion in the 1992 Act and revived in the Government's 1996 amendment to the Electoral Act. It was passed by this Parliament but not proclaimed by this Government. When the Leader of the House was the Minister for Electoral Affairs, he undertook to conduct a review and to report to the House on the fate of the lost clauses.

Hon N.F. Moore: Which clause are you talking about now?

Hon J.A. COWDELL: I am referring to the lost clauses that have not been proclaimed, that would belong under clause 175.

Hon N.F. Moore: There are millions of things you could talk about that are not in the Bill. I hoped you would talk about the Bill.

Hon J.A. COWDELL: I am referring to clauses which are not in this Bill, but which should be.

Hon N.F. Moore: Surely you should talk about what is in clause 175.

Hon J.A. COWDELL: I am referring to clause 175 and words which are not included in it, but which should be included, even according to the minister's argument.

The PRESIDENT: Order! I am sure all members appreciate that the debate is about what is in the Bill. Only passing reference can be made to matters that are not in the Bill.

Hon J.A. COWDELL: Precisely, Mr President, which is why I made only passing reference to the Electoral Distribution Act. I have been making passing reference to what was not in clause 175, the subject of amendment under this Bill. Some parts of it seem to have been lost. I am sure it is a matter of the Government's having misplaced them, and it needed a jolt to remind it they were Hon Peter Foss' amendments. Parts 1 to 3 of the Bill refer to technology updates. Parts 2 and 3 are amendments about the issuing of writs, which appear eminently sensible. The briefing note states -

> The position of Registrar has been redundant for some time and is now irrelevant given that the State roll is maintained centrally in electronic form by the Western Australian Electoral Commission. The Act is therefore being amended to remove all references to registrars.

Those updated amendments to the functions of various officers and the issuing of writs provide for two writs to be issued, rather than 63. They seem eminently sensible reforms.

The next area of reform pertains to part 4 of the Bill, under which the nomination of candidates of a registered political party can be lodged in bulk with the Electoral Commission. Other nominations can be lodged in the way they have traditionally been lodged - with the returning officer for the district or the region. This is a considerable improvement, particularly with respect to tracking down individual returning officers. I remember occasions of travelling to the northern suburbs of Perth - a couple of hours' drive - after five or six telephone calls to track down the returning officer for Rockingham, who happened to live in Quinns Rocks or somewhere up there. It is so much simpler if nominations from registered political parties can be lodged in bulk with the Electoral Commission. They close 24 hours before other nominations close with the returning officer. That is then communicated by the Electoral Commissioner to the individual returning officer. It reverses the situation. Officials and party officers will no longer pursue individual candidates to see that they have managed to make it to the starting blocks and get a photocopy to prove they are not lying, that they intended to do it, thought they had but had not.

Hon Derrick Tomlinson: Did you have a problem with that?

Hon J.A. COWDELL: In one particular instance, with only a few heart failures. Hon Derrick Tomlinson may be thinking of an instance of registering a preference vote ticket, which was not a nomination. That was a different section. How could we overlook Hon Bob Pike of all people!

Hon Derrick Tomlinson: I was more concerned with the nomination in Melville.

Hon J.A. COWDELL: I think that was East Melville. I was not going to mention names, but I did remember the name.

Hon Derrick Tomlinson: I remember the party.

Hon J.A. COWDELL: We probably did not lose too many sleepless nights over East Melville. That was not the situation when a New South Wales Liberal minister forgot to nominate for his seat. All the good liberal voters had to vote for the Democratic Labor Party on that occasion. The minister was considerably concerned that he was a minister and he thought the voters should have known and it did not matter that he had not complied with the deadline for nomination.

Hon E.R.J. Dermer: When was that?

Hon J.A. COWDELL: That was a minister in the Askin Government. The Opposition looks forward to these changes to the nomination process, which includes a change to the place of nomination which does not necessarily have to be the chief polling place for the division or district concerned.

Part 5 of the Bill deals with the early voting amendments. A change of terminology has taken place referring to the early vote; that is, voting in person before polling day or casting a postal vote before polling day. I am unsure why the term "pre-poll voting" is not used as it is a more common term that was in vogue in the Commonwealth Electoral Act. Nevertheless, early voting would cover the same fields as pre-poll voting. I note that there appears to be some confusion with the term "early voting" everywhere in the Bill when a most significant subsection of that early voting is postal voting.

Hon Derrick Tomlinson interjected.

Hon J.A. COWDELL: It should not be under the Act. It is supposed to be stamped by 6.00 pm on the Saturday. If Hon Derrick Tomlinson wishes to indicate how it is not, no doubt -

Hon Derrick Tomlinson interjected.

Hon J.A. COWDELL: I believe there would be some confusion if we bowl through and put "early voting" everywhere in the Bill, whereas much of this section of the Act refers specifically to the processes of postal voting rather than the more generic "early voting". I anticipate a need for a general revision of the Electoral Act to clear up some of the inconsistencies that have crept in over the years. I note that there is an extension to the general postal voter entitlement - that is, to carers and silent voters - which brings this legislation into line with the Commonwealth's, and the Opposition supports that change. The Opposition is also supportive of the reform that allows the early processing and checking of postal votes; that is, so that one can crosscheck the outer envelope and have everything in order so that after 6.00 pm on Saturday, counting can start rather than crosschecking. That is a considerable change so that we will have not only an early absent vote from the central office of the Western Australian Electoral Commission, but also, hopefully, most of the postal votes processed on election night so that there is no delay in the results.

I regret that the streamlining of early voting could not extend to pre-poll voting; that is, to a person casting a vote in the week or 10 days before polling day. The local court could have an up-to-date roll online. At present, the voter gives his name and address, as happens in a polling booth on polling day. Those details are checked and his name is checked off. He is asked to fill in a covering form and he does so. He casts his ballot, puts it all in the envelope and off it goes to head office. The voter's name has already been verified and ticked off, but head office goes through the whole process again to ensure that the signed counterfoil is in order. It would obviously be far more efficient with online rolls. That would also assist in preventing double-up voting on polling day. That is something for future reform and a further overhaul of the Act. Obviously it has not been deemed practicable to go the whole way in making that change in this amending Bill.

I mention in passing that I have always felt that section 129 needs reform. It refers to assistance to electors. We have a certain commonality with the commonwealth legislation in this regard. That commonality is that a handicapped or illiterate voter may indicate his voting intention by handing a how-to-vote card to the presiding officer and that is deemed to be sufficient indication according to the Act. The commonwealth legislation allows a disabled elector to take a friend or relative into the booth to assist in the casting of a vote and, if there is no friend or relative, the elector can utilise the services of a presiding officer. The Western Australian legislation allows only an officer at the poll to assist, which means scrutineers go into the booth with the disabled elector. Therefore in the booth are the disabled elector, the presiding officer and any number of scrutineers who want to witness the process. It would be worthwhile to investigate why we did not extend the extra assistance that the Commonwealth extends by allowing a friend or relative to help a disabled elector. That issue has not been tackled. This Bill has a number of changes that will achieve conformity with the commonwealth legislation to avoid confusion.

Part 6 deals with the super-booth concept. As the minister said in his second reading speech -

> Under the commonwealth Electoral Act, polling places attracting large numbers of absentee votes can be designated as "super booths" where these voters can lodge ordinary votes rather than time consuming absentee votes. Part 6 of the Bill brings this same flexibility to the Western Australian Electoral Act by enabling voters to cast ordinary votes outside the boundaries of the district for which they are enrolled.

That is a great advance, once again using technology and online rolls to simplify a process where many people vote outside their electorate and are normally involved in lengthy delays and queues to fill in absentee voting forms.

We welcome the streamlining of the count-back procedure in part 7 to clearly define that the words "most recent election" refer to the original election in the count for vacancies for the Legislative Council. Once again, the reform advocated by the minister in part 10 in authorising electronic communications is an advance that we support.

Other multiple amendments are found in part 11 of the Bill and refer to the extension of the community service role of the Electoral Commissioner in conducting ballots, and the removal of the need for the authorisation of small promotional items; although in the case of T-shirts for Hon Derrick Tomlinson perhaps not so small. These are worthy reforms.

Hon Derrick Tomlinson: Can you repeat that?

Hon Helen Hodgson: The member was inferring that you take a large size T-shirt.

Hon J.A. COWDELL: The proposed amendments can be found on the Supplementary Notice Paper. I will raise my concerns at this stage so that people cannot ask why I did not mention them during the second reading debate if I had a problem. The amendment in clause 30 of the Bill is to insert a new subsection (5) in section 25. That proposed subsection states -

> 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.

I initially had a concern about incomplete rolls and a secret set of voters. I am aware of the need to protect certain voters, and protections are in place under the current Electoral Act for a name to appear, but not an address. Given that over the past four years the numbers in this category have escalated from 2 163 to 3 882 and presumably are going upward, I have some concern about the secret voters who do not even appear on the roll. Of course, they will still appear on the commonwealth roll. I do not know whether they are able to appear in person at the poll on polling day. I notice the facility has been extended to them to be on the general postal vote list; if they are on that list, I presume they will not front up on the day at the poll. Perhaps the minister can answer that question when we reach the committee stage. My concerns are somewhat mollified in this regard by an understanding that the 3 882 electors in this class may disappear from rolls that can be purchased, and are generally available for perusal, by the public but will remain on the rolls provided to a registered political party or members of Parliament. My concern about the existence of more than one roll for verification of what occurs with secret electors is overcome by that provision. However, it initially appeared to be a problem.

Hon Tom Stephens: That is not the case currently. The rolls that are supplied to political parties and to candidates of voters are left blank in that regard.

Hon J.A. COWDELL: It should only be blank of address, not of the name.

Hon Tom Stephens: I beg your pardon, it is blank of address.

Hon J.A. COWDELL: This provision would also blank out the name. It has always been blank of address. One would not know if they existed at all if this provision applied to all rolls. However, one would still know if they are in the district or the region concerned, by virtue of their appearing on the roll for that district or region, unless they are members of Parliament who can appear in any region.

Hon E.R.J. Dermer: Where would the number of a secret voter appear on the roll?

Hon N.F. Moore interjected.

Hon J.A. COWDELL: I make the point, minister, that if I stood at the committee stage to mention this issue and the minister had no advance warning of it, he would legitimately complain.

Hon N.F. Moore: I understand your raising it now. I am just reflecting on the interjection. I accept what you say. It is just that other people want to be part of the debate and perhaps they should save their story for the committee stage.

The DEPUTY PRESIDENT (Hon W.N. Stretch): Order, members! We are getting a bit conversational. The member is correct that these matters can be referred to in general but not in detail. Members should allow Hon John Cowdell to develop his sound argument -

Hon Tom Stephens: Now I feel a complete speech coming on!

The DEPUTY PRESIDENT: - particularly those who have just joined the debate.

Hon J.A. COWDELL: As I said, I believe the problem has been overcome, although I was initially concerned when I saw the Supplementary Notice Paper. There is a need to provide a level of protection for those who may be in danger by virtue of their profession or in danger from violent members of the community in general.

I conclude with a reference to section 42 of the Electoral Act, which reads -

> **Claims**
>
> A claim -
>
> (a) may be in the prescribed form;
>
> (b) shall be signed by the claimant in the presence of an elector, or a person qualified to be enrolled as an elector, of the Commonwealth Parliament or of the Assembly who shall sign his name as witness in his own handwriting; and

There is then paragraph (c) to which there is a proposed amendment to the words "shall be sent to the Registrar".

Hon N.F. Moore: That means it has nothing to do with the Bill.

Hon J.A. COWDELL: The Government is amending that section.

Hon N.F. Moore: Section 42?

Hon J.A. COWDELL: Yes, according to my composite, the Government is amending section 42. I place on record the Opposition's support for section 42, and in particular section 42(b). I understand change was contemplated by virtue of the commonwealth initiative to introduce restrictive enrolment witnessing procedures. Western Australia experimented in the past with restrictive witnessing procedures which restricted enrolment. They were introduced and operated between 1979 and 1983 when they were abolished by the Labor Government. They led to the situation in this State in which the Western Australian roll had 45 000 fewer voters on it than the commonwealth roll for Western Australia. That would be the effect of that sort of restriction.

The Commonwealth has passed that restriction. We have traditionally argued for compliance with the Commonwealth, but I question the concept of requiring first-time, 18-year-old electors - and about 30 per cent of them do not bother to enrol - to not only fill in a form but also fulfil identification criteria equivalent to opening a bank account. They must bring in a passport, birth certificate, or whatever. In view of the cost of passports nowadays, I can see the sign-up rate for 18 year olds going from 70 per cent to 20 per cent. There is that initial verification and then people must find someone from that restricted class of witness. That must be done not only for the first time but also when you and I, Mr President, are changing our enrolment. That would be a backward step with which Western Australia has experimented in the past.

Hon N.F. Moore: It was not an experiment. It was the result of a judicial inquiry into corruption in the electoral system. It recommended that we have a restricted witnessing system because it found activities going on in the north which were not appropriate.

Hon Tom Stephens: That is absolute nonsense.

Hon N.F. Moore: Hon Tom Stephens knows all about that.

The PRESIDENT: Order! If the Leader of the House and the Leader of the Opposition wish to conduct a debate among themselves, they can please go outside, because Hon John Cowdell has the floor.

Hon J.A. COWDELL: It looks as though the Commonwealth Government's attempt at electoral rorting has come to nought in the sense that the appropriate regulations will be or have been disallowed and therefore the section cannot be operable, but it is not something with which the State should proceed. I must compliment the Electoral Commissioner who said very clearly on this issue in the Press that fewer young people and lower income earners would enrol to vote because of federal government legislative changes. This would instantaneously have a deleterious effect upon 18 to 19-year-olds, which was not a course the commissioner

recommended that Western Australia should follow. The same press report indicated a far more equivocal response from the Minister for Parliamentary and Electoral Affairs, but that is not surprising.

I am glad to see that no amendment is proposed for section 42(b), although amendment is proposed to section 42(c).

Hon N.F. Moore: That has nothing to do with what you are talking about, and you know it.

Hon J.A. COWDELL: It has been contemplated.

I conclude with an electoral advertisement. We have a proposed new part IIIA. Members would be aware if they have read the fiftieth report of the Legislation Committee of the excellent argument for a new part VA concerning eligibility for election to Parliament. Proposed new sections 174A to 174E of the Electoral Act would clearly set out the requirements to nominate and gain admission to the House. These provisions would make it unnecessary to refer to the Constitution for these matters. The requirements are not currently in the Electoral Act. Although penalties for improper nominations are outlined, the nomination criteria are not mentioned. It is well worthwhile completing this process. The Constitution Act and Constitution Acts Amendment Act were full of electoral detail, most of which has been dropped or progressed to the Electoral Act. One final progression is necessary; that is, clauses pertaining to qualification to nominate and run for Parliament. This involves the exclusions when a person is a member of another Parliament or another House, a bankrupt and so on. The Electoral Act should be consulted on all matters pertaining to elections, rather than searching the Constitution Act 1889 or the Constitution Acts Amendment Act 1899. This is a vital matter.

Unless alternative substantive arguments are presented, the Labor Party will support the Bill as it stands. I do not object to government amendments on the Supplementary Notice Paper; however, I bring to the attention of the House the need for a further omnibus amendment Bill. The last omnibus amendment Bill to deal with a range of necessary changes was introduced in 1996. A range of areas require further amendment to the Electoral Act. I received a letter in 1998 signed by Hon Doug Shave, Minister for Lands; Fair Trading; and Parliamentary and Electoral Affairs which went through some of the proposed amendments. He stated that the Government was seriously considering them. Some of those matters which the Government was seriously considering do not appear in this amending legislation. There is more than enough to get on with another amending Bill to advance and consolidate the Electoral Act 1907. However, that process should not involve alteration to section 42 and the entitlements outlined. I support the Bill.

HON HELEN HODGSON (North Metropolitan) [9.45 pm]: Hon John Cowdell has given a good run-down of the content of the Act and drawn our attention to a number of matters which he believes should be in the legislation. I do not pretend to have the same knowledge of the detail of the Electoral Act as Hon John Cowdell, for which I am sure the minister is grateful, because it means I will not be spending as long addressing these issues. However, the core issue in this legislation is the registration of political parties. It will not come as any surprise to members that the Australian Democrats strongly support measures ensuring that political parties have some form of registration in the Western Australian system.

Hon N.F. Moore: Which of your two will get registered?

Hon HELEN HODGSON: The one that is a parliamentary party.

Hon N.F. Moore: So the others are irrelevant?

Hon HELEN HODGSON: They are irrelevant. That raises an issue to which I will refer in passing. Many areas of legislation are not designed for political parties to fit within, but we operate within these frameworks. The classic is that we have incorporation legislation at the state level which makes it extremely difficult for political parties. If we as political parties wish to incorporate, we are expected to work within the framework that is appropriate for businesses and incorporated bodies that operate in a completely different way. I am thinking of issues such as the regular turnover of membership. I am sure we are all aware of the turnover of members within our parties not only at the basic membership level but also at more senior levels, and every so often we even get members of Parliament who decide that they no longer wish to affiliate with a particular party.

Hon Barry House: Not on this side of the Chamber.

Hon HELEN HODGSON: The situation is dealt with in other organisations with similar structures. For example, the unions have a separate form of recognition for perpetual succession and a corporate seal. All the issues that provide a form of incorporation are dealt with in a way that means that they are governed by separate legislation that is more appropriate to unions and industrial organisations. I should mention industrial organisations, because my understanding is that employer bodies can also be covered by that legislation. Under the legislation in Western Australia, a political party can find it very difficult to operate within an incorporated structure. I am sure I am not giving away any secrets, as this matter has been through the courts, but the Australian Democrats experienced a hostile takeover of the incorporated body and found it very difficult to

prevent that happening, even though as a political party we continued to operate under the auspices of the Australian Democrats as a federally registered national political party.

Hon N.F. Moore: You just didn't have the numbers, that is the problem.

Hon HELEN HODGSON: Sometimes these frameworks force political parties to set up structures which are unnecessarily and unduly complicated, and this flows into issues which are covered in this legislation in terms of funding and disclosure. My understanding of the structure of most political parties is that, because the political party itself is not incorporated, issues of protection of assets and protection of members from action that might be taken from outside must be considered. Therefore, this encourages the setting up of separate bodies which hang off the political party. I recently had discussions with the Australian Electoral Commission. We were discussing issues broadly, and a comment was made that some political parties have incorporated bodies that they do not even remember exist, because they have been set up by somebody some time ago for a particular purpose and that purpose has been forgotten and overlooked. That body is sitting there dormant. However, it creates all sorts of issues related to compliance with the reporting and the funding and disclosure parts of the legislation. In part, this is encouraged by the fact that political parties do not fit within a normal framework, yet there is nothing that particularly gives political parties the ability to register under the Electoral Act to give incorporated status and to protect their members from things from which they would normally expect to be protected.

Hon Barry House: Do you mean like the Curtin Foundation?

Hon HELEN HODGSON: In some instances, fundraising bodies are set up separately for very good reasons. I could refer to the 500 Club. I do not know whether it is incorporated, but the point is that it operates outside the structure. There may be good reason for it, but sometimes it is simply for protection of the assets of members to make sure that members at the base level cannot be held liable for actions taken by another branch somewhere else in the State. Quite often that causes concern to members and office bearers of branches and divisions, as well as throughout the political party at all levels. That should be on the agenda for potential future reform. The model used in the labour relations legislation, which provides for registered bodies, being employers or unions, to have certain rights, is possibly a model that should be explored in the future to ensure that we are not setting up unduly complex structures to deal with matters that can be dealt with far more simply.

While I am dealing with the funding and disclosure provisions, I indicate that I agree with the provisions of this legislation. They are designed to more closely align the state system with the federal system. It is probably no secret to people here that I have had a very intimate working knowledge of the funding and disclosure provisions at both state and federal levels for some time - probably more so at the federal level than at the state level. In fact, when I went through my files, I found a submission I made on the Electoral Amendment (Political Finance) Bill 1992 regarding some issues that I thought should be addressed.

I will not go back over the matters that are in the legislation and which are working, except to say that one of the most common frustrations that I have had in dealing with the political finance part of regulation of political parties concerns making sure that records comply with all the different levels of funding and disclosure with which they must comply. I know that the Western Australian system contains a provision to the effect that if a return has been lodged with the Australian Electoral Commission, that can also be lodged with the Western Australian Electoral Commission. I applaud that as a shortcut. However, some of the fundamental basics underlying it are getting further and further apart. For example, under recent amendments to the Commonwealth Electoral Act, the funding and disclosure accumulation thresholds have been changed. I think they are too generous at the moment, because a lot of people can give $1 450 and it is not necessary to disclose that. However, that is the level that has been set by the Federal Parliament. We must make sure that the Western Australian legislation has the same thresholds in place, otherwise those of us - I include myself in this - who are doing the bookwork and the financial reporting must go back and reconstruct and recreate financial records to make sure the reports are consistent; yet where it is necessary that the detail required be different, it must be different, so that one complies with the legislation. These are the sorts of things that can cause problems, no matter how good the accounting and bookkeeping system is.

The PRESIDENT: Order, members! There is some difficulty in hearing what Hon Helen Hodgson is saying. Members may not want to hear it, but others are required to record it.

Hon HELEN HODGSON: Another example I point to is the requirement that political parties still report on a cash basis of accounting. For most other reporting purposes, political parties are of a sufficiently large size to be expected or even required to report under an accruals basis of accounting. That means that when the records are being done at the end of the year, two sets of accounts must be created - one on a cash system of accounting and one on an accrual system of accounting. They must then be reconciled to prove that, although they were reported in two different ways, it is only one set of books with two sets of reports. Then the detail must be put in. It is one of those time-consuming tasks that could probably be avoided if we looked rationally at the

underlying purpose and whether the reports need to be prepared on a cash basis or whether they can be accepted on an accruals basis of accounting.

While I was looking through the Electoral (Political Finance) Regulations 1996, I discovered something that I had overlooked previously. All political parties would have recently gone through the process of ensuring that they comply with that complex legislation - the goods and services tax legislation - which affects us as much as everyone else. The best way to do that is to get a proper computerised accounting system that can calculate the GST, complete all the activity statements and keep people out of trouble. However, under the Electoral (Political Finance) Regulations - I suggest that all members point this out to their relevant party agents - a political party must ask the Electoral Commissioner for permission to keep its records in a computerised system. When it comes to a third party, the regulations are different. My understanding of those regulations is that the Electoral Commissioner may, by notice published in the *Government Gazette*, modify the operation of regulations to facilitate the use of computerised accounting systems. However, there is no similar regulation in the regulations that relate to political parties. We must ask the Electoral Commissioner for permission to keep our accounts in a form that is not the same as that which is set out in the regulations. As it is a regulation, I think the Electoral Commissioner could take that on board. It would be very interesting to know whether political parties have been complying and requesting permission to keep their records in a computerised system.

Generally, we agree with all the funding disclosures and the thrust of the legislation. However, there must be a system of uniformity that will facilitate compliance with all the different regulations and requirements with which political parties must comply, including electoral and corporate law and taxation requirements. It is all becoming so complex that we must ensure that, although the necessary detail covers the specifics of donations and gifts, we are not making it so complex that party office-bearers cannot keep up with what is required. The amendments that will bring the state system more closely in line are a good move.

The other significant funding and disclosure issue is the extension of regulations to cover political parties that cease to exist. That will ensure that the Electoral Commissioner can chase returns from a party that folds without lodging returns for the period between the end of the previous financial year and the time it ceased to exist.

Debate adjourned, pursuant to standing orders.