

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

Consideration in Detail

Resumed from 13 October.

Debate was adjourned after clause 34 had been agreed to.

Clause 35: Section 62E amended —

Ms M.J. DAVIES: We had a bit of a discussion late last night about the 500 unique members and the new process that will be required for party registration. As explained last night, I understand that is one of the factors that was recommended by the Ministerial Expert Committee on Electoral Reform to keep the ballot paper short —

Mr J.R. Quigley: Not short, but manageable.

Ms M.J. DAVIES: Okay, manageable. We will still have a very long ballot paper. Everybody will be very interested to see how long it ends up. I understand that this clause relates to its practicalities. It refers to a political party wishing to use an abbreviation. In the case of the Nationals WA, I think we are registered as the National Party of Australia (WA) Inc. I presume that means that we would be allowed to use “Nationals WA” on the ballot paper. We are seeking to amend section 62E(4)(a) by deleting certain words and inserting —

or acronym of its name on ballot papers ...

I am seeking an explanation for that change. Is my interpretation correct? I thought we could do that already. We always have “Nationals WA” written on the ballot paper. Are there other examples that I am missing?

Mr J.R. QUIGLEY: It is dealt with in more detail later in the bill. In brief, for example, there could be an acronym like ALP, as everyone understands that is the Labor Party, or it could be “Nationals WA”. Later in the bill, it specifies what words can be used. Four words will be allowed, so people cannot have a spiel, so “Nationals WA” fits comfortably within that. Not only four words will be allowed but there must be no capitals, except for the first letter of a word, or acronyms. We will get to that later. Obviously, we are trying to keep the ballot paper down a little and not have emboldened headlines.

Ms M.J. DAVIES: The application will essentially go to the Western Australian Electoral Commission. It comes from the party that seeks to register. We spoke last night about the fact that we need those 500 pieces of paper because we are not quite in the twenty-first century when it comes to the Electoral Act.

Mr J.R. Quigley: I promised it to you in the next bill.

Ms M.J. DAVIES: I am looking forward to it, and I know our state director will be as well. The names and addresses of the 500 members will accompany those pieces of paper. The registration also needs to be accompanied by a fee of \$2 000 or a greater amount as prescribed. Can the minister explain why that fee has been introduced?

Mr J.R. QUIGLEY: Certainly. We are looking at whole-of-state jurisdictions. As the Leader of the Opposition mentioned, we are trying to contain the size of the ballot paper so that people do not just give it a fly for the heck of it. The ministerial expert panel suggested that WA be brought into line with other whole-of-state jurisdictions. South Australia maintained that it has only a small number of people going up. I think only 11 go up each cycle in the Legislative Council of South Australia. Its fee is \$500. The fee in New South Wales, which has almost a comparable number to us, is \$2 000. As I mentioned to the Leader of the Opposition last night, after getting the ministerial expert panel report, my office had discussions on this subject. We found out that the fee in New South Wales was \$2 000, so we made it \$2 000. I think that is the same amount as the Senate. Sorry; I am confusing myself. It is the same as New South Wales. That is why it is \$2 000.

Ms M.J. DAVIES: This might be relevant down the track because there are a couple of clauses to come that relate to this new matter. I refer to the storing of information—the storage of the data and the declarations with the Electoral Commission. How long will the commission need to keep that data? What covers that in terms of privacy? The government is providing much more than is currently required. I understand that currently a declaration is provided. The party’s director or agent, as it is termed in the Electoral Act, declares that it has 500 members. Up to this point, it has been accepted that there would be a penalty if any political party made a false declaration. Now we will need to provide the party’s constitution, the registration details and all the details of those individuals. When people join a political party, they have to provide those details. We are taking those details and handing them to another entity. The privacy side of that will be critical. I am sure the Electoral Commission has taken that into consideration. For the record, we want to understand how that will work and for how long those details will be kept. Obviously, for a party to continue to be registered, those details need to be kept on file. Is there a limit to how long they need to be held?

Mr J.R. QUIGLEY: Currently, when a political party is being registered, under section 62E(4)(d), there is a requirement for the application to —

set out the names and addresses of at least 500 members of the party who are electors;

That is being deleted. The information relating to new membership is already provided to the commission. From the form that I saw, the only additional information required will be an email address and a phone number for contact. The agency must keep that information pursuant to the State Records Act. Then it could be subject to FOI, bearing in mind that each elector's name and address is already on the electoral roll.

Ms M.J. Davies: Not their phone number though.

Mr J.R. Quigley: No, not their phone number. These details would not generally be published. If it was FOI-ed—my erstwhile assistant, in the words of Meatloaf, stole the words out of my mouth—it would be exempt personal information. If a person made an application, the Information Commissioner would have to notify the person and give them a chance to object to their phone number being disseminated.

Ms M.J. Davies: I can see from the current application for registration that political parties already have to submit a copy of their party's constitution. Proposed section 62E(4) really relates to being allowed to use an acronym or abbreviation, the names, addresses, contact details and phone numbers of at least 500 members, and the piece of paper that has to go in; that is essentially what clause 35 introduces, as far as I can see.

Mr J.R. Quigley: And the registration fee.

Ms M.J. Davies: The registration fee, which is a new fee.

Mr J.R. Quigley: It's an uplift of the fee.

Ms M.J. Davies: What is the current fee?

Mr J.R. Quigley: There is currently no fee to register a party. The Ministerial Expert Committee on Electoral Reform recommended that there be one because, as I was trying to explain last night, we do not want the "Billy Bunter Party" suddenly appearing shortly before the election.

Mr D.J. Kelly: It's already here, under a different name!

Mr V.A. Catania: The Labor Party!

Mr D.J. Kelly: Oh, witty. Good comeback.

Mr J.R. Quigley: Fair go, it is before lunch!

These measures are designed to try to manage the size of the ballot paper. We do not want to see the try-on parties; they almost do it for fun, come election time, which is why I said the "Billy Bunter Party". Some people come up with silly party names but get them on the ballot paper. They are never contenders, but they can swamp the votes of smaller and more vulnerable parties. But all the best, on a 2.63 per cent quota.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Section 62HA inserted —

Ms M.J. Davies: Clause 37 makes provision for timing. Perhaps the Attorney General can give us an outline of the requirements under this bill for registering a party, given that we have a new process.

Mr J.R. Quigley: Sure. We have gone through the requirements of having to have 500 declarations, the registration fee and the party's constitution et cetera. Proposed section 62HA provides a caveat on all of it. A party's registration for a general election will not apply or be successful unless the application for registration, with the accompanying documentation, is valid. To be a valid application it will need the things we have already referred to—the registration fee, the 500 names, addresses and telephone numbers, and the party constitution. All of that must be attached to the party's application, and it must be lodged at least 12 months prior to the issue of the writs. With a fixed election date, we can safely say that the issue of the writs will be in early February. If a party does not make that application 12 months prior to the issue of the writs, it will not be deemed to be registered.

When the media picks up on the fact that an election is less than a year away and everyone gets excited, little parties pop up at the last minute; I have seen it many times. They are not genuine; they want to get in there for a stir. I thought the Daylight Saving Party was of that category, but as the Leader of the Opposition noted, it got elected under this system on 98 primary votes. If the application is not made 12 months prior to the issue of the writs, the party will not get the benefits of nomination under part IV, division 2, the printing of party names on the ballot paper under section 113C, or electoral funding under part VI, division 2A. It will not have any of those benefits available to it.

Ms M.J. Davies: What is the current time requirement for submissions? I was a party state director many years ago, but that information is gone from the back of my mind. What is the current requirement? I agree that 12 months is a sensible amendment, but I ask that for the purposes of clarity.

Mr J.R. QUIGLEY: At the moment it is open slather right up until the close of polling. I will get the provision in a moment, but there is currently no limitation of the kind in proposed section 62HA. Currently, an applicant cannot register as a party during an election period, and an election period is defined under section 62C(1) as —

election period, in relation to an election, means the period commencing on the day of issue of the writ for the election and ending on the last day for the return of the writ;

During that time, the applicant cannot apply to be a party.

Ms M.J. DAVIES: Just one further question. Given that we have a set election date, will the 12-month requirement be known, although be dependent upon when the writs are issued? Is it from the election date, or from when the writs are issued?

Mr J.R. QUIGLEY: It is from when the writs are issued. That is what we discussed last night. We have a fixed date for the election, so the writs will not be issued before the beginning of February for a mid-March election.

Ms M.J. Davies: So it's not going to be a fixed date—you'll just have to take a punt that the writs are always called in February, and make sure you've got it in by January?

Mr J.R. QUIGLEY: That is right.

Ms M.J. DAVIES: We touched on resourcing briefly last night. Given that there is a new process, will there be a requirement for any additional resourcing to manage this?

Mr J.R. QUIGLEY: The commissioner, Mr Kennedy, did not believe so when he attended upon my office. To give the Leader of the Opposition a prompt, she might remember that when we talked about this last night, I said that it will not be a checking of every form, it will be an audit in accordance with normal audit protocols as to the number to be sampled. That might prompt the Leader of the Opposition from my waffle last night!

Clause put and passed.

Clause 38: Section 62J amended —

Ms M.J. DAVIES: As I understand it, this clause relates to the use of acronyms in the name of an application. The Attorney General mentioned earlier that a name that is above the line cannot have more than four letters.

Mr J.R. Quigley: Four words.

Ms M.J. DAVIES: Yes, four words. What would happen if a party had the name “Legalise Cannabis Western Australia Party”? How would that be managed if it had met the registration requirements?

Mr J.R. QUIGLEY: I am not going to direct parties how to comply, but I can make a suggestion. The name “Legalise Cannabis Western Australia” would fit.

Ms M.J. Davies: So it would have to formally change its name?

Mr J.R. QUIGLEY: Yes, to “Legalise Cannabis Western Australia”—those four words would fit.

Madam Acting Speaker, with your indulgence, there is one section that is apposite to the debate on the previous clause that I think should be read into the record.

The ACTING SPEAKER (Ms M.M. Quirk): It is actually probably with the Leader of the Opposition's indulgence.

Mr J.R. QUIGLEY: It is section 64 of the Electoral Act, which states in part —

- (1) If an Assembly is dissolved before 1 November last preceding its expiry year, the Governor shall cause a writ for elections in all the districts to be issued not later than 10 days after the dissolution.
- (2) If an Assembly is not dissolved before 1 November last preceding its expiry year, the Governor shall cause a writ for elections in all the districts to be issued on the first Wednesday of February in the expiry year.

That is to do with the writs.

Ms M.J. DAVIES: Yes—the timing. I understand. I thank the Attorney General for that clarification.

The explanatory memorandum states that clause 38 amends section 62J as follows —

- (d) inserts a new provision s. 62J(4A) to provide that related political parties can have the same or similar names, abbreviations or acronyms of names;

Could the Attorney General explain what that is seeking to do? We have seen examples, such as with the Liberal Democrats, of the use of party names that are similar in order to game the system. Is this to do with that occurrence? What is the purpose of this proposed amendment?

Mr J.R. QUIGLEY: I think we might have already turned to it. Clause 38(4) states in part —

After section 62J(4) insert: —

It then explains what a related political party is —

(4A) For the purposes of subsection (4), the existing party is related to the party in respect of which the application is made if —

- (a) one is a part of the other party; or
- (b) both are parts of the same political party.

If I could give the member an example —

Ms M.J. Davies: Please do.

Mr J.R. QUIGLEY: There is not such a political party in existence, but we could register—I am not saying we are, or are even of a similar mind; this is hypothetical—a party called “Country Labor”, which comes from within the broader Labor Party. It is either part of the Labor Party or both are parts of the same party. It is to permit people to do that, so long as it is the same party or a related party. It is not like the Liberal Democrats. That is a different party, and it has been scammed on occasions by people—I think Mr Leyonhjelm in Sydney drew a position just in front of the Liberals, so we had Liberal Democrats and then Liberal, and people saw the word “Liberal” and voted for it. That is a different provision concerning the names of the parties and confusion.

Ms M.J. DAVIES: That is very interesting, Attorney General. I am wondering about the genesis of that idea. I will use the example given by the Attorney General of “Country Labor” and Labor. They are the same party or part of the same party. If “Country Labor” wanted to be registered, would it need to have 500 unique members in addition to Labor? I wonder why we are including this proposed amendment.

Mr J.R. QUIGLEY: Sure. This provision is already in section 62C(2) of the act in exactly the same wording. This provision was inserted by the Court ministry in act 36 of 2000. We are just putting it in what we consider to be a more appropriate spot.

Ms M.J. DAVIES: I have one further question; sorry. I assume that a party would have to adhere to the registration requirements that we have been talking about, which is that if it wanted to have the name “Country Labor” or “Metro Nationals” —

Ms M.J. Hammat: Not quite the same!

Ms M.J. DAVIES: Not quite the same! I am trying to apply it to a real-life situation! Would such a party need to have 500 unique members of its own? Would it have to adhere to the registration requirements if it was indeed a separate party, although it acknowledges that it has the same constitution? Would that be the requirement?

Mr J.R. QUIGLEY: That is correct. We will get to the shape of the ballot paper later, but each political party will want to end up on that valuable piece of real estate above the line. If “Urban Nats” or “Country Labor” or whatever we like to think of this morning wanted to get above the line, it would need to register as a political party and have 500 members. A party would be permitted to use the name Labor or Nats if they were part of us, or part of you, if that is helpful.

Clause put and passed.

Clause 39: Section 62KA inserted —

Ms M.J. DAVIES: Clause 39 inserts a new provision for a registered political party to submit an annual return in an approved form between 1 June and 30 June each year so that the Electoral Commissioner can determine its continued eligibility, unless a party has been registered for less than six months. Can the Attorney General tell me whether there is a form that we might be able to see? Has the government contemplated what kind of details, form or manner that might look like? I presume, because we have spoken about it, that they exist in other jurisdictions, so maybe the Attorney General might point us to an example. Why does it provide that a party must submit an annual return unless it has been registered for six months? The six-month cut-off is that a party has submitted and the Electoral Commissioner has dealt with its registration within that period, I assume. Perhaps the Attorney General can provide some clarification.

Mr J.R. QUIGLEY: That is correct, because they might have lodged prior to the 12 months. It might take a while for the registration. It might take six months.

Ms M.J. Davies: It might take six months for the Electoral Commissioner to approve.

Mr J.R. QUIGLEY: I do not know. It depends how many. If just before the 12 months expired, a dozen parties register with 500 forms each, it might take six weeks; I do not know. The question initially was aimed at the form. What will the form look like? All I can suggest is that it will be drawn by the Electoral Commissioner, as will the declaration forms. I expect that they will draw from the New South Wales experience, and there are forms for registration of political parties on the New South Wales ones that have pretty well the same features as what we

are introducing here. I am reminded of a meeting we had with the commissioner about resources and he said that he is satisfied at this stage that he has resources, but we will see going forward. He indicated at that time that it could take up to three months to complete the registration of all the parties. It will take 12 weeks to check or spot audit the 500 forms, but he is saying that depending on the workload, it could take up to three months.

Ms M.J. DAVIES: Every political party will have to manage this behind the scenes. As the Attorney General has observed, I suspect those with a bigger party machine will be able to do that more efficiently than perhaps some of the newer political parties. Given that a party will have to apply for registration 12 months before the election, the applicant will not know whether it is eligible to run until potentially three to four months before the election; is that correct?

Mr J.R. Quigley: Yes.

Ms M.J. DAVIES: It would be too late, would it not, because the deadline would have passed, so essentially, under the new circumstances, the Electoral Commission would encourage parties to get in their applications and requirements well in advance?

Mr J.R. Quigley: That would be wise.

Ms M.J. DAVIES: The Attorney General is saying that someone may not know whether they are eligible until three to four months after the cut-off date for submitting.

Mr J.R. QUIGLEY: My response is that the ministerial expert panel recommended six months prior to registration. I made the decision to double that to 12 months to cover the exact eventuality of which the member speaks. If it had been six months as recommended by the ministerial panel and then it took three months for the commissioner to check it, we would be talking about 12 weeks before the election. That is why I doubled it to 12 months, so that we more than meet what the ministerial expert panel recommended. Yes, it could be up to three months after the application, but there would still be nine months before the election, which is three months longer than what the expert panel suggested for the application. I doubled it after that discussion I had with the commissioner, who said that it could take up to three months. I thought if he is saying that it could take three months and the panel is saying that a party should have to get its registration in six months before, that is half the period already gone. I said let us double that and build in a buffer there.

Ms M.J. DAVIES: This all sounds to me as quite intensive. I am wondering whether the Electoral Commission has that much capacity. There must be spare capacity in the Electoral Commission for it to absorb that task, because what we are talking about is not insignificant. We are not talking about only the parties that are in Parliament at the moment. There could potentially be a whole raft of new organisations. Is the Attorney General absolutely convinced that the commission will not require additional resources to manage this? It seems it would be the most efficient government department I know, if that is the case.

Mr J.R. QUIGLEY: I have to be honest with the member that we do not know for sure because we do not know how many parties will apply. The commission would know at least 12 months before the issuing of the writs, because that is the latest for that general election for a political party to make an application for registration. As I said before, there will be discussions between the commission and Treasury. It will be properly resourced, but if we go on the number of political parties that exist, they will all be transitioned so that when this comes into operation, all political parties that are registered will continue with their registration. The commission has the next 12 months to wait for forms to come in and check them. It will be a couple of years prior to the election. Twelve months out from the writs, the commission will get better vision on what resources are required because it will know how many outstanding parties' new applications it has to deal with. It will be properly resourced as the minister will not allow our population to go to an election with a commission that cannot properly administer the election. It would be a total failure by me.

Clause put and passed.

Clause 40: Section 62L amended —

Ms M.J. DAVIES: This clause refers to the cancellation of party registration. Can the Attorney General just explain it to me? It will delete a section that says "the party is not a parliamentary party and does not have at least 500 members who are electors" and replace it with "the party (not being a parliamentary party) is no longer an eligible political party". Is it much the same? Can the Attorney General just explain?

Mr J.R. QUIGLEY: The difference is between "may" and "must". The commissioner may give notice to a party—this is about deregistration.

Ms M.J. DAVIES: Will it take discretion away from the Electoral Commissioner?

Mr J.R. QUIGLEY: Correct. If parties are hanging around from the last election and they have not complied, it is no good them coming in in the last six months and pleading hardship—pleading this; pleading that—and asking the commissioner for discretion. We will all have to be on our mettle. Even the secretary of my party said, "This places a burden on us. What if we missed?" If we missed, there would be no Labor Party. However, this measure is designed,

once again, to try to manage the ballot paper. Some political parties are not like the Nationals or the Labor Party and do not have secretariats. Some of these parties are small; they pop up before an election, get registered and do not comply later. They come back and say, “I went to America” or something like that, or, “I didn’t get my mail” or “My dog ate my notice”, and ask for a discretion. No; they will be out. This is going to be the guillotine. If they are not in time, they will be out.

Ms M.J. DAVIES: Just a further question on that. How many parties have had their registration cancelled? How often does that happen?

Mr J.R. QUIGLEY: Under the current regime, I am not aware of any having had their registration cancelled. It is much harder now; there are not all these requirements. We are stiffening that up in an effort to make the ballot paper fairer, especially to the other small parties that have complied. Section 62L(2)(b) currently states —

the party is not a parliamentary party and does not have at least 500 members who are electors;

Proposed new paragraph (b) states —

the party (not being a parliamentary party) is no longer an eligible political party;

That will require the registration of the constitution, the 500 members et cetera. If a party has not complied with that, it must be deregistered. However, we recognise current parliamentary parties as they are recognised by the Parliament. If that party fails to do something next year, we will not be able to deregister it as a party because it is already a party here. There is a transition period in that 12 months, but if such a party subsequently does not comply by registering its constitution and putting in its 500 forms, it will not be eligible.

Clause put and passed.

Clause 41: Section 62Q amended —

Ms M.J. DAVIES: I will go through these clauses one at a time. I am not sure that I actually did need to speak on clause 41, but I will ask the minister a question anyway. I think there is something in here about a penalty of \$1 500 in relation to providing false information to the Electoral Commissioner. I assume that because we will now have the declarations and proof of members, it will be a very strong signal to every political party. I would have thought that that was already there. What will this actually do? Clause 41 seeks to insert in section 62Q(1) the words “62K, in a return under section 62KA,” before “A person must not in an application under section 62E”. Perhaps the minister could give me a bit of an explanation of that.

Mr J.R. QUIGLEY: If I take the Leader of the Opposition to section 62Q(1), it states —

A person must not in an application under section 62E ... or in response to a request under section 62P, make a statement or provide information that the person knows to be false or misleading.

The penalty section provides a \$1 500 penalty for making a false statement. We are taking out the reference to “62J” and inserting “62K, in a return under section 62KA,” which is the continuing requirement declaration. We are attaching the penalty to those additional declarations. Otherwise, there would be no penalty for the new declarations.

Clause put and passed.

Clauses 42 to 44 put and passed.

Clause 45: Section 75 replaced —

Ms M.J. DAVIES: This clause replaces section 75. There is a lot of red in my version of the bill!

Mr J.R. Quigley: Do you have a blue copy?

Ms M.J. DAVIES: I have a marked-up one.

Mr J.R. Quigley: That is okay. I am just trying to pick up the same section.

Ms M.J. DAVIES: The proposed new section relates to the advertising of the writ. I guess the question is: why has the obligation to advertise the writs in print been removed, as far as I can see? I understand the changing media environment, but I would have thought that a number of people would still use or consume newspapers. Can the minister clarify whether that is what this will do? Are we to no longer require it to be printed in the paper or are additional requirements to be added?

Mr J.R. QUIGLEY: All the Leader of the Opposition’s comments are spot-on. It is about the changing of the media landscape and where advertisements must be placed. Proposed section 75, which will replace current section 75, states, in part —

... advertise on the Commission website and in any other way the Electoral Commissioner considers appropriate.

The Electoral Commissioner must advertise on the day of issue of the writ and as soon as practicable after receiving the writ, and publish whatever information the Electoral Commissioner considers necessary to adequately inform electors about polling places. The advertisement must give at least 10 clear days' notice of the polling day. Those time limits have not changed. Once upon a time, if something was advertised in *The West Australian* public notices section, everyone would see it. A lot of people read the paper online now, and they do not see the public notices section, so it has to be advertised in a way that the Western Australian Electoral Commissioner believes will generate maximum exposure to the advertisement.

The only approved advertising that is prescribed at the moment is in a newspaper—*The West Australian* or a newspaper circulating in the area. The nature of the media is changing. Even out my way, in Butler, the community newspaper has gone; we have PerthNow North and most people get it online because there is no letterbox delivery. It is important that people are given notification and that the commissioner advertises as widely as possible to inform everyone.

Ms M.J. DAVIES: One of the questions that we have is around making sure that regional people are adequately informed. The Attorney General spoke about community newspapers in his electorate. It is very similar in my electorate. I now have three newspapers. I have one in York and a community newsletter that is pulled together and gets printed by, I think, the people who print all those community newspapers, but it is not mainstream media. I have lost *The Avon Valley Advocate*. I have very limited print media, but there are little newsletters in every one of my communities, which I can tell members are read from front to back—people read them right through every week. Is there anything precluding the Electoral Commissioner using that form of communication and how would we make sure that it was utilised? There is a propensity for government departments to think that online advertising is a panacea. Many members of our community are not necessarily connected, or in the case of regional Western Australia cannot be connected, because the connections are not good enough. I want to be very sure that amending this section will not mean some of the more traditional ways of communicating with people will be paid no mind. I am very happy for it to be opened up to more than just mainstream newspapers, because I agree that that has changed; I read the newspaper on my phone, but I read it in full, not just the articles that are pulled out, so I still see all the public notices. I might be a slightly different consumer of news, shall we say, than some of my constituents, and I suggest everyone in this chamber would be the same. I want to make sure that we are not signalling that everything can go online, we have done our job and that is it, because there are many forms of communication, particularly in regional communities and for our seniors and those who might not consume online or digital communications, and we need to make sure that they are included and we are not being exclusive in the way that we communicate.

Mr J.R. QUIGLEY: As the minister, I know that people will be looking for my bald head if the commissioner were to fail to properly advertise an election. There is now no longer a requirement or restriction to use print media. The Electoral Commissioner has the responsibility for the proper conduct of elections. I have noticed ads in the newspapers at the moment for elections to professional organisations conducted by the Western Australian Electoral Commission and massive amounts of advertising for local government elections. This amendment will open it up so the commissioner can try to reach more people, given the changing nature of media, which the Leader of the Opposition has already alluded to. No-one is trying to penny pinch or save money on this. We all want all Western Australians to participate. It would be a mark of my success if we were able to lift up the participation rate. That is what we are aiming to do and we will bring in another bill that I hope will facilitate that.

Ms M.J. DAVIES: It is good to have that on the record because the words written in a bill are one thing and the government's intent of what it wants to happen is quite another. I know that when the government has passed this legislation, the Electoral Commissioner and those responsible for enacting it will look back to this debate and I absolutely want on the record that we need to be mindful of the size and geographical nature of the state and that communities might not be connected. I certainly do not want to see us going to just an online methodology. Anybody who reads this debate in years to come to interpret the legislation will see it is very, very clear that we as the opposition think that these changes will silence or make it more difficult for some sections of our community to have their voices heard. We must make sure that everybody has the opportunity to understand the process that gets people elected to this place. The reason I am harping on is that I see so many government departments and governments trying to save money by pulling things back and saying that it is much easier to communicate via digital technology. In fact, in some cases, I still find sticking something in someone's letterbox is the most effective form of communication.

Mr J.R. QUIGLEY: I will just briefly mention one of the concerns. Section 75(4) of the act states —

In this section *advertise* in relation to a region or district means advertise in a newspaper circulating in the region or district, or by placards or otherwise.

That is principally aimed at getting an advertisement into a newspaper circulating in the district.

Ms M.J. Davies: They no longer exist.

Mr J.R. QUIGLEY: That is right. No. One could say that is *The West* because it circulates in the district, but how many people—this is no criticism of *The West*, because it is now also online—in, say, Indigenous communities

and on farms et cetera pick up *The West* every day? It is probably a diminishing number. The responsibility of the commissioner is clear in the new section 75. If he fails, that is unimaginable. We share the Leader of the Opposition's aspiration of encouraging as many Western Australians as possible on the roll to vote.

Clause put and passed.

Clause 46 put and passed.

Clause 47: Section 78 amended —

Ms M.J. DAVIES: This clause relates to the nomination form for a candidate. Perhaps the Attorney General could talk me through new paragraph (c). Section 78 of the act states —

(1) Nominations may be in an approved form and shall —

(a) be signed by the candidate; and

(b) state the surname and each christian or given name, the place of residence and occupation ...

The new paragraph (c) states —

in the case of a Council election, unless the nomination is a party nomination ... be accompanied by declarations in support of the nomination, in an approved form ...

I presume this is for the nomination of Independents. Could the Attorney General explain why we landed on 250 declarations and what the form and the declaration that will be required by those people signing up to support that individual will look like?

Mr J.R. QUIGLEY: The commissioner will design the nomination form. How did we lob on 250 electors? Once again, we are talking about managing the size of the ballot paper, Leader of the Opposition. The Ministerial Expert Committee on Electoral Reform recommended 250 electors for an Independent candidate to show that they have community support. I observed that South Australia requires 250 people. I thought that that was fair enough; we are at least as big as South Australia. It is a bit arbitrary. The panel recommended at least 200 people. I said, "What've the others got?" The wonderful Ms Buchanan said that South Australia has 250. The panel said at least 200 so I decided to go with South Australia's number of 250. I hope that gives the member an insight to my workings!

Ms M.J. DAVIES: Thank you, minister. Is the whole purpose of this for an Independent to get their name above the line on the ballot paper or just to be listed at all for election to the Legislative Council?

Mr J.R. QUIGLEY: Not above the line, but in the election at all. We will get to Independents going above the line in a moment.

Ms M.J. DAVIES: I refer to unique voters. This is the same requirement as political parties in that an Independent has to make sure that the people put forward are unique voters; they cannot provide support for six Independents, for instance. An Independent has to be assured that the people on their list are only on their list. Is that correct?

Mr J.R. QUIGLEY: That is correct. We do not want a party with 250 electors to then replicate itself under different names using the same declarations because our ballot paper would extend from here to Northam.

Ms M.J. DAVIES: That would then go to the amendment that is being made, which states —

If the nomination forms for 2 or more candidates are accompanied by a declaration completed and signed by the same elector, the elector cannot be relied on by any of those candidates for the purposes of subsection (1)(c).

The minister earlier referred to South Australia, so I assume that this is modelled on the way that other jurisdictions deal with Independents.

Mr J.R. QUIGLEY: We are dealing with two jurisdictions that have whole-of-state electorates. We have got a bit from one and a bit from the other and fashioned them into the best regime to present to the Parliament. The Leader of the Opposition is right in that there are unique nominees in other jurisdictions. There are 200 unique nominees in South Australia, but we are pushing that to 250. I stress again that the expert panel said at least 200, but we have bumped it to 250. South Australia has 250 but the committee said 200.

Clause put and passed.

Clause 48: Section 80 amended —

Ms M.J. DAVIES: Can the minister explain the amendments that will be made to the grouping of candidates and how that will impact what is currently done?

Mr J.R. QUIGLEY: As the Leader of the Opposition can observe from what is in front of her in her marked-up copy of the legislation, clause 48 amends section 80(1) and (2A) to use a defined term for group claims for the ease of reading section 80 generally. Clause 48 makes consequential amendments to section 80(2), (3), (4), (5) and (6) to

reflect that a Council election is no longer in respect of a region. All candidates or the party secretary must prove the withdrawal of the claim for consistency with section 82(2). Section 78 enables an elector who chooses to vote above the line to vote for all the candidates listed below the square above the line in the order determined by the party or other group. That obviously means that the Nationals WA will be able to determine the order of Nationals candidates below the line. It is not the group voting ticket system because a vote above the line does not allocate preferences for every candidate, only those candidates in the relevant group in the order listed below the line from top to bottom. It is apparent to the voter then where the preferences will flow if they choose to vote above the line. When we look at that in operation, subclause (3) deletes “election in a region” and inserts “Council election” and “group claim”. Under section 80(2A), a group claim can be made —

- (a) where all the candidates in the group are the subject of a party nomination, under section 81A, by a particular registered political party—by the secretary of the party; or
- (b) where the candidates in the group have been endorsed by different registered political parties—jointly by the secretaries of all of those parties.

Proposed new section 80(2) states —

Subject to subsections (3), (4), (5) and (6), the names of candidates nominated for a Council election who have made a group claim must, for the purposes of that election, be included in a group in the order specified in the claim.

This is for group claims. In a moment we will deal with how many people have to be in a group before they can apply to be above the line. Otherwise, Independents will not be in a group; they will just be Independents below the lines in columns, which we will come to in a moment.

Ms M.J. DAVIES: So that I am absolutely clear, a group claim is essentially when a party submits its list of candidates and it is the order in which the party wants its candidates to be listed below the line. It has nothing to do with the group voting ticket, which will be abolished. If I am thinking correctly, the party used to get a ballot paper.

Mr J.R. Quigley: Don't do that; it's too big!

Ms M.J. DAVIES: For the purposes of *Hansard*, I am referring to a ballot paper the size of a table! This relates more to the group voting ticket, which we will discuss later. For a party, every number under the line would be filled out to indicate where the preferences were going—beyond their own party. This is simply for the purposes of saying, “Here are the candidates we are nominating for the whole-of-state ticket and this is the order we want them to appear in on the ballot paper.”

Mr J.R. QUIGLEY: That is correct. We will come to clause 63 later. The Leader of the Opposition mentioned the word “group”. That clause refers to a group that wants to get above the line. There can still be a group but not a group voting ticket, like the Leader of the Opposition talked about earlier. A bunch of Independents who want to get above the line can form a group. We will get to it in clause 63. That group will be called “grouped Independents” and they will get a little square above the line. We will get to that in a moment. It comes down to the order of the group as well.

Clause put and passed.

Clause 49: Section 81 amended —

Ms M.J. DAVIES: This clause relates to the fees attached to those nominations that we were just discussing. Are they new fees or is the section being amended to reflect the change to the whole-of-state electorate? If they are new fees, how did the government arrive at that amount, in particular the deposit for the Council election being capped at \$10 000 for groups of more than five candidates?

Mr J.R. QUIGLEY: At the moment the fee is \$250.

Ms M.J. Davies: Per candidate?

Mr J.R. QUIGLEY: Yes. Again, this comes down to the management of everything. We are trying to not make the bar so high as to deter genuine Independent candidates or others from nominating. We want a participatory democracy; we do not want a set of rules that excludes people. Currently, the fee is \$250. The fee in South Australia is \$3 000. The expert committee said that it could be uplifted to \$1 000. We went with \$2 000, which is not as high as South Australia. How did we get to \$10 000? As we will see in a moment, a party needs a minimum of five candidates to get above the line. We have not got to clause 63 yet, but Independents who want to form a group will have to show that there is a minimum of five candidates in the group.

If we take a group like the National Party, to get above the line, it would want at least five candidates. It might want to run 10 candidates. If we set the fee at \$2 000 for every candidate who was nominated, that would be \$20 000, which seemed a bit steep. We should bear in mind that these deposits are returned to candidates who are not

successfully elected, or to a party, which the Leader of the Opposition would definitely come under, or ungrouped Independents who have five candidates. They will get their money back if they get four per cent of the vote. It does not matter how many candidates are elected; they will get their money back if they get four per cent.

What were the workings in my mind that got us to \$10 000? This bill does not raise the fee for nominations to this chamber, which is \$250. The other chamber will be a whole-of-state electorate. The National Party, which is the official opposition of Western Australia, may choose to run a candidate in every seat in this chamber. I said “ungrouped candidates” before; I meant to say “grouped candidates”. If grouped candidates want to get above the line, they have to have five members. I am a lawyer, too; it takes a while to do the maths. If the National Party wanted to contest every seat in this chamber—that is, participate in a statewide election for the Assembly, doing it district by district—it would cost \$14 750 to nominate. I did not think \$10 000 for the other chamber was out of the ballpark. At the same time, candidates will be required to put up \$2 000, so Billy Bunter might not have two grand in his Commonwealth Bank tin. There have to be serious candidates who have reasonable resources. That is how we arrived at that figure. As I said, the figure is a bit less than it is in South Australia, but there is a cap on it.

Clause put and passed.

Clause 50: Section 82 amended —

Ms M.J. DAVIES: Minister —

Mr J.R. Quigley: We are on what clause?

Ms M.J. DAVIES: We are on clause 50—halfway!

Mr J.R. Quigley: It is a long first half.

Ms M.J. DAVIES: You could have sent it to a committee. It would have been much quicker and we would not have had to ask all these questions.

Clause 50 seeks to amend section 82 by deleting subsection (2) and inserting other words. There already was a section relating to the nomination and withdrawal of candidates. Can the minister explain the amendment? Subsection (2) will read —

The withdrawal of the nomination of a candidate included in a group —

This is part of a party or, I assume, a group of Independents, but the minister can dissuade me if I am not right —

has no effect unless each other candidate included in the group has consented in writing to the withdrawal.

The explanatory memorandum says that if a candidate wants to withdraw, they have to have the consent of all of their party’s candidates on the ticket. Where has that come from? Was that already part of the act? I can see that it is replacing something. Is this amendment just updating the act to reflect the whole-of-state electorate or is it a new or different clause?

Mr J.R. QUIGLEY: It is existing law. It was put in there so that people would not drift on and off the ballot paper, say they wanted their two grand back and get out of there. Under the current provision, candidates have to consent to the withdrawal. It is not specified in writing. This can lead to the Court of Disputed Returns or something like this on an evidential basis. If someone says they withdrew, someone else could say, “Well, I did not consent to you withdrawing.” The person who is seeking to withdraw could say, “Well, I rang you up.” We want a firmer basis for the withdrawal. That can, in turn, affect whether people on the ticket get elected. If someone wants to go into a group, let them be deadly serious about going into the group. Once they have joined a group, they are in that group, unless everyone agrees that they are out of the group.

Ms M.J. DAVIES: So it is in writing. I presume that has to be presented to the Electoral Commissioner in a statutory declaration. Will there be a form? As the minister says, that does not exist now, other than that it is required in writing. How will that be done? What are the practicalities?

Mr J.R. QUIGLEY: No, it is just for evidential purposes. It just has to be in writing, signed by the candidate. There just has to be consent so that we know, factually, that everyone has ticked off on it—he or she is out—because it will affect the flow of preferences et cetera on a group ticket.

Ms M.J. DAVIES: Has this actually happened previously? I accept that this provision already exists in the Electoral Act and that we are just trying to make it clearer so that we can avoid the Court of Disputed Returns. As someone who has been part of that process, I can absolutely assure every member that it is not fun, so that should be something that we all aspire to. A candidate could be in a group, either within a party or in a group of Independents. They could have a falling out with someone and say, “That’s it, I’m packing my bags and heading off.” They will then need to have permission from all the people —

Mr J.R. Quigley: Consent.

Ms M.J. DAVIES: Consent. They will have to have a letter from people with whom they may have had a falling out to say they are off, but it will not have to be a statutory declaration, or any formal requirement from the Electoral Commission. It will simply be a letter. What is the purpose of that? Is it to inform when they are doing the vote? Is that the purpose of the clause—so that when the votes are being counted, they are extracted from the system so they do not elect someone who says, “Bugger off, I’m not part of this any longer”?

Mr J.R. QUIGLEY: That is correct. Evidentially, we can then prove, “Everyone consented that you weren’t part of this, so your preference flows go on. You’re out; you’re withdrawn.” They can withdraw at any time.

Ms M.J. DAVIES: But everyone else can’t decide they’re out; it has to be accompanied with —

Mr J.R. QUIGLEY: Yes, they cannot be booted out. I suppose the party —

Ms M.J. DAVIES: We’re talking about political parties, minister, just to be clear—not everybody loves everybody else!

Mr J.R. QUIGLEY: Yes, but everyone has to consent to the withdrawal.

Clause put and passed.

Clause 51: Section 84 amended —

Ms M.J. DAVIES: The current section 84(2) states —

On the death of a candidate before polling day, or on polling day before the close of the poll, the deposits made by or on behalf of that candidate and the other candidates shall be returned in accordance with subsection (3) or (4).

What is the difference? What does this amendment actually try to achieve?

Mr J.R. QUIGLEY: Under the regions system, the death of a candidate means that that region’s election fails, so there has to be another election. We will now have a whole-of-state electorate.

Ms M.J. DAVIES: Has that actually occurred?

Mr J.R. QUIGLEY: No, because we do not yet have a whole-of-state electorate.

Ms M.J. DAVIES: Sorry, that was in imprecise question. Has that occurred after the death of a candidate under the current system?

Mr J.R. QUIGLEY: I would have to go back and look at the history. I cannot help the Leader of the Opposition there.

Clause put and passed.

Clause 52: Section 86 amended —

Ms M.J. DAVIES: I assume that this amendment relates to matters very similar to those in the discussion we had about advertising for the writs of the election, except that this is for by-elections. This gives the Electoral Commissioner the ability to advertise as they see fit. The opposition’s comments on the earlier clause about making sure that everyone is given due notice also stand for this clause, particularly in relation to by-elections in which there are usually shorter time frames. It is not well known because there is a set date for an election. Can the minister confirm that this is for the same purpose—so that the Western Australian Electoral Commission will not have to rely upon the state newspaper?

Mr J.R. QUIGLEY: That is correct.

Clause put and passed.

Clause 53: Section 87 amended —

Dr D.J. HONEY: I seek some clarification on proposed section 87(4). This may be covered in another part of the bill, but it is my understanding that we are going to see an exhaustion of preferences because of the low number of votes people will be required to fill out below the line. We will get to a point on the ballot paper whereby, if a certain number of candidates are left, a number of candidates could be elected with fewer votes than required under the quota. Perhaps this process is covered in more detail elsewhere in the legislation, but I wonder whether this will impact on that. Under one provision in the bill, we will get to a point at which there is certain number of positions to be elected and there is only a certain number of candidates left, and they will be elected. Can the minister explain that, please?

Mr J.R. QUIGLEY: Certainly. If there are more positions to be filled by way of election and fewer candidates nominate than there are positions available, those who nominate will be declared elected. That is no change at all. Proposed section 87(4) states —

If the candidates are not greater in number than the candidates required to be elected, the returning officer must declare the candidates duly elected.

There is a sharpening-up of the language, but no substantive change.

Clause put and passed.

Clauses 54 to 62 put and passed.

Clause 63: Sections 113A and 113B replaced —

Ms M.J. DAVIES: We talked about this earlier. This provision partly involves Independents getting their names above the line on the ballot paper. Essentially, this will change the voting tickets and printing requirements and how candidates will be placed above the line. Maybe the minister can give me an overview of what is sought to be achieved and how a change to a whole-of-state ticket will impact on the Electoral Act, because the clause will make quite substantial changes.

Mr J.R. QUIGLEY: Clause 63 will replace section 113A and insert proposed section 113B, which deal with voting tickets for Council elections. Proposed section 113B states —

- (a) the names of the candidates must be printed in the order determined under section 87(6); and
- (b) a square must be printed opposite the name of each candidate.

That will facilitate the numbering. Under Proposed section 113B(3)(a), when in the case of an election more than one Council seat is to be filled, group candidates are to be printed ahead of ungrouped candidates; that is, ungrouped Independent candidates will be printed to the right of the ballot paper after the grouped candidates. Under proposed sections 113B(3)(b) and (c), in the case of an election when more than one Council seat is to be filled and there are two or more groups, registered party groups are to be printed in columns sequentially from the left of the ballot paper and across the ballot paper, followed by other groups, and the order within those groups is to be in accordance with proposed section 80(1), which determines the order.

Under proposed section 113B(3)(d), ungrouped candidates are to be printed in one column or, if there are too many names in two or more columns, they will be grouped in the order determined under section 87(6). Under proposed section 113B(4), in the case when there are no groups, ungrouped candidates are to be printed in the order that is once again determined by section 87(6).

Under proposed section 113B(5)(a), a square must be printed opposite the name of each candidate, and if there are five or more candidates in that group, that group must be allocated a square above the dividing line on the ballot paper. That is what we discussed earlier. There must be minimum of five grouped candidates to get a square printed opposite the name of each candidate above the line. The ministerial expert panel recommended that in a statewide election, at least three Independent candidates must be grouped to get above the line. If people are offering themselves as candidates in an election of 1.8 million voters, we feel that they should be able to present at least five candidates to get above the line.

Under proposed section 113B(6), if before polling day for a Council election a candidate is declared by a court to be incapable of being elected, the returning officer may cause the ballot papers to be reprinted or notations or marks included on the ballot paper, and the order of the ballot paper is to be determined by the ballot procedure in schedule 2. That means that a group must have five candidates to get above the line.

Ms M.J. DAVIES: Is that as a group of Independents?

Mr J.R. Quigley: It is a party or grouped Independents.

Ms M.J. DAVIES: A group of Independents will all go through the registration process to get the required declarations of 250 unique electors. Presumably, they will all be running on the same platform and will want a number above the line, even though they are not a party. I looked at section 87(6) that the minister said will determine the order in which they will appear on the ballot paper from left to right. Why is preference given to registered parties over Independents? Is there some science behind that? Is it a convention to put them on the left-hand side of the ballot paper? I think everyone knows that the closer a candidate is to the left-hand side of a ballot paper, the easier it is, or there is some form of advantage at least. Was a determination made on that? How is the order determined in which the ungrouped or Independent candidates will appear in those columns?

Mr J.R. QUIGLEY: The member is quite right that being on the left-hand side of the ballot paper is preferable. We want the ballot paper to be managed so that as people read it from left to right, we do not want Independents who are not even above the line getting in between two parties that are above the line and the ballot paper ending up higgledy-piggledy. Additionally, the parties that will be above the line will have secured their position as a registered party, or made an application at least 12 months before the election, so that will all have been ruled on. However, Independents can nominate right up until the close of the electoral roll. They can nominate very, very late in the day, but if they want to get above the line, they will have to be grouped with four other candidates. All that will be shown above the line is “grouped Independents”. The ballot paper will not tell the electors anything about any of the individual Independents below the line. We did not want to exclude Independents from getting above the line for electors who vote above the line, but, above the line, the order will be the order that the Independent candidates have

agreed on. Each of those Independents will have to pay the nomination fee, which will be a couple of grand, and if they want to get their money back, they must either get elected or that group has to get four per cent of the vote, which could be difficult on both counts.

It would be unusual for Independents to end up above the line, sitting next to the Nationals WA. When people go to vote, the Nationals WA would have its policies out there. The Nationals WA would also have chosen the order on the ballot paper. Hon Martin Aldridge might be number one, I do not know, but everyone would know the order. They would know that all the people below the line have signed up for the same party policies as has Hon Mia Davies as leader. Grouped Independents will be inviting people to vote “1” above the line, and they will not know what any of them stand for. That is their risk. If number one gets elected, the other four Independents do their dough. They might want to stand ungrouped. I am trying to think of any Independents in the other place. I cannot think of any. I know of members who were up there who have resigned from parties. I think Hon Derrick Tomlinson might have done that, and he voted with the Gallop government on the electoral reforms of 2005.

Ms M.J. Davies: It was Hon Alan Cadby.

Mr J.R. QUIGLEY: Alan Cadby, was it? He voted with the government for the 2005 reforms. I do not think he was re-endorsed.

Ms M.J. Davies: I am not sure. It was not our party.

Mr J.R. QUIGLEY: No; it was the Liberals.

Ms M.J. Davies: I think there was some form of falling out. I am not sure.

Mr J.R. QUIGLEY: I think he got number three or number four.

Ms M.J. Davies: He was a bit unhappy, anyway, and as a consequence he decided that he would —

Mr J.R. QUIGLEY: Exactly—vent his bile.

Ms M.J. Davies: Use his vote accordingly.

Mr J.R. QUIGLEY: That is right.

Mr D.J. Kelly: It was a road to Damascus revelation for him, electoral reform.

Mr J.R. QUIGLEY: Okay. Thank you.

Ms M.J. DAVIES: I have a further question to that, Attorney General. The columns that the ungrouped candidates will be in at the end of the ballot paper—that is, all the Independents that make it to the ballot paper under the line—how will the order in which they are placed in the columns be determined, or will they just go in multiple columns for ever and a day?

Mr J.R. QUIGLEY: Schedule 2 provides for a ballot as to the position.

Ms M.J. Davies: A ballot. Bingo? A lottery?

Mr J.R. QUIGLEY: Yes. I think that is a good descriptor.

Mr R.S. LOVE: In terms of the design of the ballot paper, bearing in mind that the way that the parties will be set out will be the grouped individuals and then the ungrouped individuals —

Mr J.R. Quigley: Left to right.

Mr R.S. LOVE: Yes, across the page. I have a couple of questions. Was there any consideration in the Attorney General’s mind about any of the alternatives, such as an opposite rotation where there is a change to the order of the ballot so that there is not one single list for those individuals when they are chosen on the ballot? In that way, there would be some level of fairness, rather than perhaps a donkey vote down that line?

Mr J.R. QUIGLEY: If the member reads the report, the committee sort of looked at that, but did not recommend it. There is one other thing about the ballot paper. When the member said left to right, there would also be a ballot as to the order of the parties left to right.

Ms M.J. Davies: As I understand it, the registered parties will always be on the left-hand side of the ballot paper.

Mr J.R. QUIGLEY: The left-hand side, yes, but the order that they start with and the order that will sequentially follow them will be a lottery. It might be that people enter the booth, and with it now being optional preferential they just put “1” in the first square on the left-hand side of the page. That might be the best possible; I do not know. It will not be fixed forever. It will be a lottery.

As to the question from the member for Moore, the committee looked at it but did not make the recommendation.

Mr R.S. LOVE: Thank you, Attorney General. With the changes that are being introduced and this fairly different way of conducting a ballot, with the sheer number of individuals who will be elected and parties potentially

participating, this could still turn out to be a quite a complex and large ballot paper. Is there provision for further consideration of alternative methods of voting in the future, such as touching a screen or some other method, to examine whether that might be practical? I have a concern that it might just confuse a lot of people. I am wondering what provision there will be to review the effectiveness of this ballot, the level of informality, and whether it is actually a change that is leading to people not understanding how to properly cast their vote. What will be the review process for such a radical change?

Mr J.R. QUIGLEY: It is hard to predict the shape of the ballot paper. I am trying to get it so that it will not be any deeper than an A4 piece of paper. I cannot guarantee the length. I just got a bit shocked and appalled when the Leader of the Opposition started extending her arms to indicate the length—a yard long, or more! The member was not in the chamber at the time.

Mr R.S. Love: I was.

Mr J.R. QUIGLEY: Was he? He could have got belted in the ear! It was a big ballot paper that she was indicating!

Ms M.J. Davies: Antony Green and others say that is still a possibility, Attorney General.

Mr J.R. QUIGLEY: That is right, but we do not know. As I understand it, his submission was that the whole-of-state electorate works, but he challenges the ballot paper—we have to take measures in relation to the ballot paper. That is why we are taking these measures; the Independents can go in columns next to each other so that the ballot paper does not grow and grow.

Mr R.S. Love: You would not go on the back and front of one page, would you, for instance?

Mr J.R. QUIGLEY: No. As to the A4 depth, the fast scanning machines take paper that is A4 deep. As to the member's other question about alternative methods of casting a vote, this will be the subject of intense consideration in my office once we clear this. As I promised the Leader of the Opposition, we will be working on bringing another bill to the chamber to do with electoral donations, expenses and a whole lot of sundry matters that were not appropriate for this legislation.

I noticed in the presidential elections in America and with all the subsequent auditing of those returns that the electronic ones were stable. Trump was saying that he had been robbed in Arizona, and they had that expensive manual recount in Arizona but it came up with the same result. So it has to be looked at, but I do not want anyone reporting these proceedings to say that I am going there. We are not doing that. I am saying this next bill will look at all those matters. We will be asking the National Party state director, "What improvements do you think we should make?" I understand the politics, and I understand the Nationals' criticism of the ministerial expert panel. I have honestly gone about trying to find the proper inputs for these reforms, given that we are shooting for equality. These other administrative matters are as important to the members of the Nationals WA as they are to our party. As we come to consider the next tranche of reforms, we will come to the National Party and say, "Do you have any ideas? Do you have any concerns about the other admin matters?"

Ms M.J. DAVIES: Thank you. Just a further question in relation to that. I note the remarks of the ministerial expert panel. This is outside its terms of reference, but it is related to this in particular, because we are talking about the ballot paper and the potential for informal votes—if we make it too complex or too big and it turns people off, the risk is a reduction in the formality of voting. Dr Harry Phillips, or is it professor —

Mr J.R. Quigley: Larry?

Ms M.J. DAVIES: Professor Harry Phillips.

Mr J.R. Quigley: Sorry; I thought the member was talking about one of the —

Ms M.J. DAVIES: Is he a professor or a doctor? I think he is both. He is an esteemed individual—emeritus. He has recommended an increase in education to make sure that people understand these changes to the ballots. It will be a substantially different process in not just what it looks like but the impact of how people vote. Will government make an undertaking that there will be appropriate resourcing to make sure that people are aware of the system we are moving to? I raised in my speech in the second reading debate the concerns that we seem to have chosen a slightly different method from that used for the Senate. We are abolishing group voting tickets; we are doing optional preferential, but it is not quite the same methodology.

Mr J.R. Quigley: Very close.

Ms M.J. DAVIES: But it is not quite the same in terms of the numbers voters can do above and below the line. Educating the electorate on what these changes will be will be imperative. It has been noted as part of the electoral —

Mr J.R. Quigley: Antony Green calls it an electoral lie. Malcolm Mackerras—sorry.

Ms M.J. DAVIES: Sorry; what now? What education and resources will be directed towards making sure that people understand the changes well in advance so that we do not see a higher level of informality as a result of

those changes, which will potentially—I have my hands up again for the purposes of *Hansard*—deliver us a very significantly long ballot paper?

Mr J.R. QUIGLEY: We undertake that there will be adequate education of the population. As I have said earlier, it is the government's aspiration, wish and intention that everyone on the roll gets to vote. We know that does not happen. In the next tranche, we want to design things that will enhance that; and we will work with the opposition in that regard and we will conduct a very wide community education program. The member said that we are nearly the same as the Senate, but not quite. Malcolm Mackerras calls it the dishonest instruction. The Senate ballot paper invites voters to write above the line —

Ms M.J. Davies: Just vote 1.

Mr J.R. QUIGLEY: No, it invites voters to write 1 to 6. But if a voter writes only “1”, it is not informal. There is the dishonesty of the instructions as Mr Mackerras wrote. That is dishonest.

Mr R.S. Love: Is that a proper construction? I thought if a person made a clear indication where they wanted to vote, we should honour that indication.

Mr J.R. QUIGLEY: They should. But the indication is that the voter is required to put 1 to 6 above the line. Under a strict reading of the act, a “1” above the line is a valid vote.

Mr R.S. Love: But it limits the range of opportunity.

Mr J.R. QUIGLEY: Yes. Below the line, of course, is the full range of preferences but the elector must mark 20 boxes. I was thinking they must mark 37, but the preferences are probably well and truly exhausted by the time they get to the twentieth preference.

Clause put and passed.

Clause 64: Section 113C amended —

Mr R.S. LOVE: Clause 64(2) will delete section 113C(6) and insert —

- (6) If each candidate in a group applies under subsection (5), the following requirements apply to the printing of the ballot papers —
 - (a) the word “Independent” must be printed on the ballot papers adjacent to the name of each candidate in that group;
 - (b) the word “Independent” must be printed on the ballot papers adjacent to the square, if any, printed above the line for that group.

I am just wondering whether the Attorney General could give me an instruction. If we are talking about a piece of paper that will be A4 height and given that my eyesight is not what it once was, how small will the font be in the production of this paper if we will include words like “Independent” at the top?

Mr J.R. Quigley: “Quigley” will be in huge font!

Mr R.S. LOVE: There we go. I know that we have abbreviations for party names et cetera. Could there not be a way of indicating an Independent's position with a column heading, rather than a whole number of persons, which would just increase the width of the paper?

Mr J.R. QUIGLEY: That is not prescriptive. That is an operational decision of the Electoral Commissioner, and I invite the member to make a submission on that to Mr Kennedy.

Mr R.S. LOVE: It looks prescriptive. It says “adjacent to”.

Mr J.R. QUIGLEY: Sorry, I am talking about the font. The font is not prescriptive. If people are going to nominate as an Independent, the public or the constituents ought to have that indication there. The Deputy Leader of the Opposition would be branded or known as a National because the member —

Mr R.S. Love: I will not be in the election for that house, hopefully. I might be sent down there, though; we will see! It depends what happens to what remains of the regional area I represent.

Mr J.R. QUIGLEY: Probably not much, but who knows? Everyone who enters the booth and looks at the name “Aldridge” will immediately recognise he is a National because he will be under the Nationals WA column. When a plethora of other people are nominating and not attached to any party, it should be clearly indicated for each of those people that they are an Independent so that the public know they are not signing up to, or are not being invited to vote for, a group or party's platform; they are being invited to vote for a free agent—an Independent. That should be on the paper so it is clear to the people. Do not forget that, if ungrouped, we are talking about 2.7 per cent of the voting public vote below the line. There would not be enough. We would have to get people really serious because

the quota is 2.63 per cent and 2.7 per cent vote below the line. That Independent would have to get the number one vote of everyone voting Independent.

Clause put and passed.

Clause 65: Section 113D amended —

Ms M.J. DAVIES: I am looking for a bit of guidance here. I am really looking for where in the bill the abolition of group voting tickets is first mentioned. I do not want to miss that clause. I note that “voting ticket” is mentioned in the section that is being amended by this clause. I think clause 68 is also relevant. Could the minister please explain clause 65 for me and, so that we do not have the conversation twice or outside the appropriate clause, perhaps also foreshadow for me where the reference to removing or abolishing group voting tickets is?

Mr J.R. QUIGLEY: Group voting tickets are first mentioned in section 4 of the act. I am just trying to pick up the definition. The main operative part was section 113A. That is the big page of red that we wiped out before.

Ms M.J. Davies: We just did that.

Mr R.S. Love: It does not say “group voting ticket”; it says “voting ticket”.

Ms M.J. DAVIES: I thank the minister for that clarification. That was my oversight. We were looking at the technicalities of what the ballot paper would look like. I wanted to make sure that we had on the record, as we all said in our contributions to the second reading debate, that we support the abolition of the group voting ticket and we understand the motivation for why we are dealing now with consequential amendments. It was well canvassed prior to the election. This clause does reference “voting ticket”, as it was called previously. A piece of legislation was brought to the Legislative Council by the Greens during the last term—I think by Hon Alison Xamon—to make changes to group voting tickets. As far as I can see, that bill was not progressed or supported by the government. The reason we are debating this broader bill now is the notion that has been put forward that this is a solution to some of the things that have been proffered around making sure that we do not have a Daylight Saving Party or individual elected on a very small number of votes. I think that is right. The ministerial expert panel observed that. I think there was broad support across the board—maybe not from every political party, but I think the community accepted that that could not continue. I wonder why we could not have dealt with those changes, for instance. The minister spoke about section 113A, “Voting ticket for Council election, lodgement of etc.” That could have been dealt with in a very short, sharp bill with consequential amendments. We could have dealt with that. The government could have accepted Hon Alison Xamon’s bill in the last term of government, or we could have just dealt with that matter independently. As I understand it, there is no interaction between the group voting tickets and the application of, or change to, a whole-of-state electoral system. I ask the minister to confirm that for me.

Mr J.R. QUIGLEY: I can confirm the last of what the member asserted; that is, there is a world of difference between a group voting ticket and a whole-of-state electorate. The Greens did introduce a bill, and my understanding is that it also included a whole-of-state electorate. The bill went to a committee in the Council—it never got to us—and lapsed. We are dealing with the abolition of group voting tickets now, but if we just had a very short, sharp bill to introduce a whole-of-state electorate and did not deal with all the ancillary matters of trying to manage the ballot paper et cetera, the size of the ballot paper would be such that it would stretch from the Leader of the Opposition back to the Leader of the Liberal Party. My advice was that the experts in the east said that one whole-of-state electorate is okay, so long as we can manage the ballot paper. Many of the clauses we have dealt with so far go to that point.

Ms M.J. DAVIES: Could the minister explain this clause? It obviously makes a consequential amendment to the one we dealt with previously. I accept that a whole-of-state electorate is the solution to a problem or an ideal that the Labor Party is pursuing. It is good to have it on the record from the minister that the two issues are not the same and could have been dealt with separately. We could have dealt with abolishing the group voting ticket alone and then had a more substantial conversation around electoral reform—one vote, one value—and we could have potentially sent that to a committee or even taken it to an election. I do not think there would have been any objection to the abolition of group voting tickets. It has been much canvassed and long talked about. It was highlighted at the last election, but it was well understood prior to the election. The minister made the point that the Greens bill went to a committee and lapsed, but I do not think there was any great urgency for the government to pursue those changes, even though there had been much discussion and we had seen changes in other jurisdictions. It gets talked about as the reason we are dealing with this whole plethora of changes, when it really could have been dealt with in the previous term of government had there been the political will to do so, and we probably could have avoided the circumstances that we have today. I am not making any reflection on the member of Parliament who is sitting in there; he used the system and has a four-year term to make a mark in the state Parliament, albeit after having been elected with 98 votes. I wonder why that was not a priority for this government in the last term when the public reason, outside this place, that we are talking about this is the need to make sure that this cannot happen again.

Mr J.R. QUIGLEY: I will respond to that very briefly. Yes, it dealt with group voting tickets, but we could not overlook malapportionment. Although that member was elected with only 98 votes, the whole of the district had only

69 000 voters. I have about 400 000 voters. We could not look at the Daylight Saving Party issue without looking at both issues. I appreciate that they are not one and the same, but their combined effect saw the Daylight Saving Party enter the Parliament. That member represents an area; he probably took a seat that is normally a Nationals seat. It was a combination of both the group voting ticket and gross malapportionment.

Ms M.J. DAVIES: I refer to the detail of the clause, which amends section 113D. The clause removes the words “voting ticket, notice or application under section 80”. Could the minister explain to me what it is actually doing?

Mr J.R. QUIGLEY: The substantive effect of section 113D of the act will not be altered in relation to notices or applications under section 80, “Grouping of candidates”. However, the clause deletes the reference to “voting ticket” because group voting tickets will be abolished by this legislation.

Ms M.J. DAVIES: In the very limited time I have left, I reiterate that the opposition supports the abolition of group voting tickets and we understand exactly why it is part of the legislation. Notwithstanding support for the broader legislation, this is a sensible reform, and had the government brought to Parliament all the amendments and subsequent amendments to bring it into effect, it would have had the support of the opposition. At the end of the day, the opposition will oppose this bill, but that should not be used to signal to anyone that we do not support the abolition of group voting tickets. There is plenty of evidence to suggest that the people of Western Australia are sick and tired of hearing that parties do deals behind the scenes. None of them is acting illegally, but, as the Attorney General would understand, once there is a system in place, there are organisations and individuals who find a way to maximise it for their benefit. Initially, group voting tickets were to make it easier to vote and reduce informal votes but it has morphed into —

Mr J.R. Quigley: People have gamed it.

Ms M.J. DAVIES: People have gamed it. The Attorney General would accept as well that every system will be gamed, no matter what.

Debate interrupted, pursuant to standing orders.

[Continued on page 4545.]