and Carpenter Labor governments. In this year's budget the government has committed $273 million to the sector. Western Australia now has the best disability services sector in the nation. The injection of state funds into disability services reflects the commitment of the government to improving the lives of people with disabilities and their families, and builds upon a bipartisan approach over many years.

It is in this context that I have set up a disability sector health check to ensure the massive increase in funding is being used efficiently and effectively, whether the services are delivered by the Disability Services Commission or by non-government organisations funded by the state government. A panel of experts has been appointed to oversee this sector health check. They are Mr Barry MacKinnon, Chair of the Disability Services Commission; Dr Penny Flett, chief executive officer of the Brightwater Care Group; Ms Jenny Au Yeong, executive officer, Ethnic Disability Advocacy Centre; and Dr Ruth Shean, Director General of the Disability Services Commission. The panel is now calling for submissions from the community and will investigate potential innovations and reforms over the coming months. The findings of the disability sector health check will be implemented throughout 2007. Through this process of continuously driving for services that deliver the best possible outcomes to those who need it, we will continue to ensure that we are governing for tomorrow and not just for today.

SWAN COASTAL PLAIN WETLANDS POLICY

Statement by Minister for the Environment

MR M. McGOWAN (Rockingham - Minister for the Environment) [12.09 pm]: In 2001, the Gallop government made an election commitment to finalise the Swan coastal plain wetlands policy that had been in development since it was initiated by the previous government in 1999. Western Australia has 120 nationally important wetlands and wetland systems, and 12 are listed as internationally significant under the Ramsar Convention. They are a dwindling asset, particularly on the Swan coastal plain, where at least 80 per cent of all the wetlands that existed before European settlement have now been cleared, filled or developed. Many of the remaining wetlands of high conservation value are part of the state's expanding system of conservation reserves, and are being managed to protect and, where necessary, enhance their ecological values. Others are subject to a wide range of land uses, from private property to land held by local government authorities and state government agencies.

The Swan coastal plain wetlands policy's stated intent is to give added protection to some 3 000 high conservation value wetlands in public and private ownership on the Swan coastal plain. It has been the subject of considerable public debate in recent years and, it is fair to say, has also been the subject of serious misrepresentation about its effects. The previous minister, having conducted extensive public consultation and a regulatory review, indicated late last year that the government intended to gazette the policy in March 2006. However, as a result of the change of portfolios that occurred in February, I have been critically reviewing the policy to understand its effects and the practical issues surrounding its implementation. As part of that review, I have consulted conservation groups and the peak farming organisations, and visited the Gingin area in the company of former MLC Murray Nixon to understand local concerns. I have also arranged for further consultation to be undertaken with my parliamentary colleagues.

Having considered all the issues and consulted with my colleagues, I have reached the firm conclusion that the raft of existing protections for wetlands is robust and comprehensive, and that introducing a new wetlands policy would be symbolic at best and would more likely lead to confusion and added complexities for landowners and buyers. Accordingly, I have decided not to implement the policy.

Wetlands protection will continue to be a priority consideration in the development approval process, and will include assessment by the Environmental Protection Authority if environmentally sensitive wetlands are involved. The government will also use the full force of the existing law if wetlands are harmed in any way without authority in breach of those laws. A major amendment to the Environmental Protection Act in 2003 made it an offence to cause environmental harm. This includes filling in a wetland, dumping soil or waste in a wetland, removing vegetation from a wetland and draining water from a wetland. The government has also introduced specific offences for unauthorised land clearing.

The government will continue to prepare a non-statutory wetlands register that maps the precise location of high conservation wetlands on the Swan coastal plain to give clarity and certainty to the community and development industry. Where important wetlands occur on private property, the government will provide targeted assistance to landowners to help them manage their wetlands. We will also seek to reach voluntary agreements with landowners to improve wetlands management.

ELECTORAL LEGISLATION AMENDMENT BILL 2006

Introduction and First Reading

Bill introduced, on motion by **Mr J.A. McGinty (Minister for Electoral Affairs)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR J.A. McGINTY (Fremantle - Minister for Electoral Affairs) [12.14 pm]: I move -

That the bill be now read a second time.

The Electoral Legislation Amendment Bill 2006 seeks to introduce a range of electoral reforms, most notably public funding for political parties, by amending several state acts: the Electoral Act, the Constitution Acts Amendment Act and the Salaries and Allowances Act. In continuing this government's commitment to electoral reform, these proposed changes will serve to make the electoral process simpler and more efficient, protect the rights of voters, and in some areas align the Western Australian Electoral Act with similar commonwealth provisions.

The Electoral Legislation Amendment Bill 2006, when passed, will enact these reforms through the provision of public funding of candidates and political parties; the modification of the Legislative Council count method; the provision for an appointment of an Acting Deputy Electoral Commissioner; amendment of the enrolment and voting provisions for prisoners, itinerants and overseas electors; the tightening of provisions to ensure the privacy of electoral information and amendments to the penalties for unauthorised use of that information; changes to the qualifications of candidates; the setting of minimum thresholds for election funding and return of deposit; the introduction of various machinery provisions that will assist electors and streamline the electoral process by improving the operation of the Western Australian Electoral Commission; and changes to the definition of small party status. I will now outline some of the features of the more significant changes proposed.

Funding: Political parties and individual candidates currently rely on private sources to raise funds for election campaigns. Corporate donors and interest groups are potentially inappropriate sources of funding, and donations from such sources can lead to suspicions about the motives of such funding. Hence, the current scheme requires the details of gifts and donations received by parties and candidates to be placed on a public register. However, this requirement for transparency in the receipt of donations may restrict the flow of funds due to the concerns about the requirements for certain donations to be publicly disclosed. In addition, smaller parties and independent candidates, who fill an important role in our democratic system, can find the financial burden of participating in elections and funding their campaigns a difficult one. To respond to these concerns and to ensure that election campaigns are sufficiently funded to enable electors to understand the policies and beliefs of candidates and to make reasoned choices about which candidates to support, other jurisdictions have adopted schemes that provide for the public funding of candidates. Election finance legislation can comprise three different elements: disclosure of donations, disclosure of electoral expenditure, and public funding of candidates. Although the Electoral Act 1907 provides for the first two elements, the only funding that occurs for elections is the return of the $250 nomination deposit for candidates who receive 10 per cent of the primary vote in the Legislative Assembly or five per cent of the primary vote for groups or individuals in the Legislative Council. This proposal introduces public funding for electoral expenditure and reduces the threshold for return of the deposit to four per cent of first preference votes, as will be the case for other funding.

The direct public funding of political parties and candidates in Australia is not new. It occurs at the federal level and for state and territory elections in Queensland, New South Wales, Victoria and the Australian Capital Territory. South Australia, Tasmania and the Northern Territory do not have any public funding provisions. The proposed model for public funding of Western Australian candidates is based on the Queensland Electoral Act 1992. The Queensland model, introduced in 1994, has particular provisions relating to the disclosure of donations and electoral expenditure. Payment is made on the production of details of electoral expenditure, and reimbursement is capped at the level of actual electoral expenditure or the amount payable based on the entitlement, whichever is the lesser. It is argued that this leads to greater accountability in the funding process by preventing candidates from claiming more than they incurred, or profiting from the funding arrangements.

Subject to achieving the threshold of four per cent of valid first preference votes in an election, an amount of $1.39413 per first preference vote will be payable to each candidate. This amount will be adjusted annually in line with the consumer price index. Political parties whose candidates achieve four per cent on a statewide basis will also be entitled to funding for all their candidates.

For the purpose of the act, electoral expenditure is broadly described as advertising-related expenditure and opinion polling. To ensure the availability of funds for the specific purpose, and because the payments will vary from year to year, the amount payable will be appropriated from the consolidated fund.

Counting method for Legislative Council elections: The single transferable vote system of proportional representation was adopted for the Legislative Council in the 1987 electoral reforms. Broadly, it seeks to ensure that the Council comprises members in proportion to the vote share that they command. Although the same broad principles apply within the many varieties of proportional representation, the individual systems vary at a detailed level; for example, in the calculation of vote transfers.

The application of the method currently in use in Western Australia, which is referred to as the "inclusive Gregory" method, was reviewed by the Electoral Commission after the 2001 election and it was noted that, in very limited circumstances, the current legislation allows a ballot paper to increase in value and to assume a value above one. It was also clear from the review that, despite this occurring in the 2001 election for the Mining and Pastoral Region, it had no overall impact on the outcome of that election.

This anomaly can be corrected by adoption of the "weighted inclusive Gregory" method, which ensures that ballot papers are transferred based on the value at which they were obtained and cannot, therefore, increase in value. It should be noted that adoption of the "weighted inclusive Gregory" method necessitates more complex calculations to arrive at an election result, and this can present challenges for elections in which the votes are counted entirely by manual means. However, since 1996, the Legislative Council result has been calculated by computer, hence this small refinement to the system to overcome a known anomaly of the current arrangements can be adopted without impacting on the timeliness of the election result.

I now turn to general amendments.

Appointment of Acting Deputy Electoral Commissioner: The Electoral Act 1907 provides for a person to be appointed to act in the position of Electoral Commissioner when the commissioner is absent or suspended or the position is vacant. On many occasions, the Deputy Electoral Commissioner will fill this role, yet there is no provision for an acting appointment for the position of Deputy Electoral Commissioner should it be necessary to temporarily fill this position. Provisions in this bill address this inconsistency.

Qualification of electors - itinerant electors: Currently, the Electoral Act 1907 does not recognise itinerant electors. This amendment will allow itinerants to enrol despite not maintaining a residence in the district, and will ensure consistency with section 96 of the commonwealth Electoral Act 1918. This will ensure that electors are not disenfranchised simply because they are itinerant.

Qualification of electors - enrolled electors leaving Australia: Currently, the Electoral Act 1907 does not recognise overseas electors, and the proposed amendment will again ensure consistency with commonwealth legislation. The Electoral Act 1907 stipulates that, where an elector has moved to another district, the elector may vote for the district or region where he or she was formerly enrolled if an election is held within three months after the elector has moved. It is proposed that electors who have gone overseas, but who intend to return to Western Australia within six years, may apply to be treated as eligible overseas electors. However, it is not intended to allow enrolment from outside Australia, nor enrolment of a spouse or child of an eligible overseas elector.

Prisoner enrolment and voting: Currently in WA, prisoners serving a sentence of one year or longer are disqualified from enrolling and/or voting. If previously enrolled, these prisoners have their name removed from the electoral roll. In line with the recently amended commonwealth provisions, it is proposed that any person serving a sentence of imprisonment be ineligible to vote. Also in line with the commonwealth, it is proposed that prisoners be eligible to enrol or to remain enrolled while serving the sentence.

Privacy of elector information and penalties for misuse: Currently, electoral rolls are to be made available for public inspection and for sale to the public. Provision is also made for the supply of rolls and roll information to political parties and members of Parliament. While the Electoral Act 1907 provides for the Electoral Commissioner to use discretion in responding to further requests for roll information, this is not supported by any clear protection of the use of that information. There are an increasing number of requests for roll information, without any guidance from the Electoral Act 1907 or other state legislation as to how the information may be used if the application is successful. While currently the Western Australian Electoral Commission broadly follows the commonwealth privacy principles, the WA act should incorporate privacy provisions, particularly given the potential for electors to be concerned if their personal details are not properly protected by legislation. The new provisions will demonstrate the government's commitment to dealing with electoral information in a fair and responsible way.

It is proposed that provisions similar to those contained in the Victorian Electoral Act 2002 be incorporated into the WA act. Under this proposal, the Electoral Commissioner will retain the discretion to provide roll information to other agencies or organisations based on a written application, providing for recovery of any costs incurred in the provision of the information. The obligation in the act requiring rolls to be made available for purchase will be removed in favour of providing roll information directly to those entities with an identified entitlement. These entities will be restricted in the use of this information, with commercial use expressly forbidden. The Western Australian Electoral Commission will continue to make rolls available for public inspection. The existing entitlement for parliamentary parties and members of Parliament to receive roll information will be preserved, and this is specifically protected with an amendment to section 25A of the act. Appropriate penalties for breaches of these provisions are provided for under these amendments.

Pressure for the release of roll information is particularly strong from the local government sector, and while change to the Local Government Act 1995 will now be required, it is important to include some points of

principle in the Electoral Act 1907. Failure to do so may eventually mean that electors are reluctant to enrol because information is too widely available. The provisions proposed are already applicable in relation to access to the commonwealth roll.

Candidate qualifications: The current bill removes several provisions relating to the qualification of candidates from the Constitution Acts Amendment Act 1899, inserting them into the Electoral Act 1907. It is useful that all information necessary to determine the eligibility of a candidate is in the Electoral Act 1907. In addition, candidates are now required to be Australian citizens and on the electoral roll at the time of nomination, unless their name is removed or omitted due to an error by the Western Australian Electoral Commission. Candidates seeking to represent an electorate should be sufficiently committed to the position in that they should ensure that they are citizens entitled to vote in the election. This provision, if adopted, will make it imperative for all candidates to ensure that they are on the electoral roll prior to nomination.

Minimum thresholds for return of candidate deposits: In line with the decision to introduce election funding for candidates at a threshold of four per cent of first preference votes, the corresponding thresholds for return of deposit for the Legislative Assembly and the Legislative Council are reduced to four per cent of first preference votes, from 10 per cent and five per cent respectively.

Hour of nomination: As a practical measure, nominations will now close at 12 noon rather than 6.00 pm. This amendment will facilitate processing of nominations by the Western Australian Electoral Commission, reducing administration costs by performing these duties during normal working hours. It will also allow more time for the production and proofing of the ballot papers in a time-sensitive environment.

Bribery and undue influence: Given the opportunity for electors with an entitlement to apply for early votes under the Electoral Act 1907, there is the potential for unscrupulous individuals to unduly influence electors in casting such votes. This is a potential problem, particularly in relation to postal voting, as electors apply for and complete postal votes without scrutiny from polling place staff. In recognising this possibility, the bill seeks to amend section 188 of the Electoral Act 1907 to provide for specific penalties for bribery and undue influence offences relating to early voting.

Receipt of early votes: The Electoral Act 1907 currently only provides for the commission to accept postal votes received up until 9.00 am on the Tuesday following polling day. This has the potential to disenfranchise some overseas electors and electors in remote areas. Allowing receipt of postal packages postmarked prior to the close of poll to be received up until 9.00 am on the Thursday following polling day increases the likelihood that packages from these electors will be admitted to the count.

Changes to early voting: The most significant change to early voting is the removal of the requirement for electors casting an early vote, in person, to complete a written declaration witnessed by an authorised witness to accompany the ballot paper. This will apply only to those issuing locations which have a copy of the roll against which the elector's name can be marked off. It is provided, under the act, that those locations without a roll still require a written declaration witnessed in the usual manner. The declaration procedure is essential for early votes, by post, that are completed in a less formal environment. Related to this clause is the introduction of a specific penalty for undue influence in relation to early voting, at clause 57 of the bill.

Illegal practices - electoral advertising on Internet: The current provisions contained in section 187 of the Electoral Act 1907 do not reflect advances in electronic publishing systems, e-mail and teletext technologies which have enabled a more immediate and freer dissemination of viewpoints about electoral matters by candidates, members of the public and interest groups. The amendment will extend the provisions of section 187 to include an electoral advertisement on the Internet, but will not apply if the matter published on the Internet forms part of a general commentary on a website.

Questions to be put to electors: The three questions that are put to electors are amended to instruct the presiding officer to ask for an elector's name and address, and to establish whether the elector has voted at the election already. This amendment simplifies the questions while still establishing the same particulars. The current questions provided for in the act often confuse electors and cause misunderstandings. For example, many electors are unaware of their electoral district.

Scrutineers: Until now, Legislative Assembly candidates and individual Legislative Council candidates not included in a group have been able to appoint only one scrutineer under the Electoral Act. Legislative Council groups are able to appoint three scrutineers. As there is often more than one counting table, with a number of people counting votes on each, it is difficult for one scrutineer to watch all tables or counting locations, particularly for Assembly elections. The amendments to the relevant sections of the Electoral Act 1907 provide for individual candidates, Assembly and Council, to appoint up to two scrutineers. For Assembly candidates, this applies to each counting location, and the returning officer is allowed some discretion to address situations where the number of scrutineers provided for is not practical. The provision for groups is unchanged.

Financial penalties: A number of penalties have been reviewed in this bill. This is because many financial penalties under the Electoral Act 1907 have not been reviewed for some time, and in some cases were introduced

many years ago. Many are now considered too low to be adequate punishments or deterrents. Penalties are now largely consistent with other state legislation.

Repeal of related legislation: Two sections of the Electoral Amendment (Political Finance) Act 1992 have been repealed, as they have not yet, and will not, come into force. Section 191A prohibits the publishing of government advertising during the election period and section 191C imposes restrictions on air travel by members of Parliament during that period. Section 191A was considered unworkable and section 191C had some serious difficulties in implementation. The Lawrence government put into place administrative arrangements for the 1993 election period which dealt effectively with these matters. The Commission on Government subsequently found that this legislation was not required, and recommended that these matters continue to be dealt with administratively. This was done successfully for the 1996, 2001 and 2005 elections.

Small party status: The current provisions of the Salaries and Allowances Act 1975 provide for staffing and resources to support the leader of a party in the Legislative Assembly, "other than a party whose leader is the Premier or the Leader of the Opposition", where the party has five or more parliamentary members in the Legislative Assembly. The amendment to part I, section 4(2)(k) of that act will allow a party with five or more parliamentary members in total, whether in the Legislative Assembly or the Legislative Council, to qualify for small party status and therefore the leader to be provided with staffing and other resources.

Salaries and Allowances Tribunal: Finally, among the general amendments, the proposed bill will enable the Salaries and Allowances Tribunal to inquire into and determine the remuneration to be paid to parliamentary secretaries and chairs of standing committees, other than those chairs who are officers of the Parliament. Prior to the determination of the Salaries and Allowances Tribunal, parliamentary secretaries and chairs of standing committees, other than those chairs who are officers of the Parliament, will continue to receive their current entitlement to $6 950 each financial year.

Conclusion: Implementation of the proposed amendments contained in this bill prior to the next state general election will deliver the state a more principled and equitable electoral system. I commend the bill to the house.

Debate adjourned, on motion by **Mr T.R. Sprigg**.

POLICE (COMPENSATION FOR INJURED OFFICERS) AMENDMENT BILL 2006

Introduction and First Reading

Bill introduced, on motion by **Mr M.J. Cowper**, and read a first time.

Explanatory memorandum presented by the member.

LAND INFORMATION AUTHORITY BILL 2006

Consideration in Detail

Clauses 1 to 8 put and passed.

Clause 9: Functions -

Mr G. SNOOK: I move -

Page 5, line 17 - To insert after "contain" -

and will include notifications of interests of a type determined by the Minister in accordance with subsection (3) and prescribed by regulation.

(3) The Minister will determine the types of interests in or notifications in respect of land that are issued or made by any public or private body, which must be notified to the Authority and be made publicly accessible on a basis which does not involve making a profit.

Mrs M.H. ROBERTS: The government does not support this amendment, although it understands the opposition's intentions in moving it. The aim is to enhance the accountability of our new shared land information platform. Principally, the government does not believe that this bill is the appropriate vehicle for an amendment of this nature. The problem really lies in other legislation, which does not require agencies to notify landowners when interests or restrictions on land are established. This amendment would require the Minister for Land Information to impose a statutory requirement on agencies that are not under the control of that minister. It would also potentially allow such a requirement to be placed on a private organisation, if the minister saw fit to do so. A potentially better solution for the opposition would be to amend the legislation in which the interest arises, and require agencies to notify landowners. The responsibility really rests with those other agencies. Some agencies at this stage are not really equipped to provide those notifications in electronic form to our shared land information platform, and some agencies do not actually keep their information in a reliable current format in which that could occur. It is proposed that the authority be reviewed every five years.