

ELECTORAL AMENDMENT BILL 2023

Introduction and First Reading

Bill introduced, on motion without notice by **Hon Dr Brad Pettitt**, and read a first time.

Second Reading

HON DR BRAD PETTITT (South Metropolitan) [10.10 am]: I move —

That the bill be now read a second time.

Hopefully, many of my colleagues in this place, and particularly the ones in the Labor Party, have noticed that the bill I have given notice of this week is virtually identical to the government's own Electoral Amendment Bill 2020 that it introduced in the last Parliament. This bill contains many worthwhile and important changes and, given the overwhelming majority the government has in this place and the other place, I hope that this government wastes no time in progressing this bill. I appreciate that it is somewhat unconventional for the Greens to use the only non-government business that we get this year to read the government's own bill back into this new Parliament, but we do this because accountability, transparency, and integrity around political donations and elections are fundamental to a healthy and properly functioning democracy here in Western Australia.

Over halfway through the second term of this government, this Parliament has seen no progress on these issues, and I hope reading in this bill changes that. I now want to spend a few minutes reading an extract from *Hansard* of the second reading speech for the original Electoral Amendment Bill 2020, which was delivered on Thursday, 13 August 2020 by Hon Stephen Dawson, who was the Minister for Electoral Affairs at the time. The minister's comments from three years ago are of course still 100 per cent relevant today. It reads —

The primary purpose of this bill is to give effect to the McGowan government's election commitments to improve disclosure laws around political donations, ensure more timely disclosure of those donations and introduce expenditure caps for election campaigns. It will also place a total ban on foreign donations in WA. Western Australian electors deserve to know that those with the deepest pockets should not be able to spend their way to influence an election. This bill will ensure the public have confidence in the accountability, transparency and integrity of elections in Western Australia.

I will now outline the major features of the bill. Currently, political parties and their associated entities are required to disclose donations and gifts received on an annual basis. Political parties and their associated entities will be required to submit quarterly returns. These stakeholders will then have 10 business days from the end of the quarter to submit their return to the Electoral Commission. These returns will be published online as soon as practicable by the Electoral Commission.

The political donation threshold in Western Australia is currently \$2 500 per annum. All donations above this amount must record the details of the donor. However, political parties and associated entities that are registered both within the state and federally can satisfy state requirements by providing a federal return. Importantly, the federal disclosure donation threshold is \$14 000. Under this bill, the political donation threshold will be reduced to \$1 000 and the ability to use a federal return for state purposes will no longer be an option. All political parties in Western Australia will have to operate under the new \$1 000 disclosure threshold. This amendment is in line with the McGowan Labor government's clear commitment to increase transparency around political donations. In addition, the post-election disclosure reporting requirement will be reduced. Currently, political parties and candidates have 15 weeks to submit a return to the Electoral Commission detailing their electoral expenditure and any gifts they have received. To increase transparency and to fulfil an election commitment, the Electoral Act will be amended so that political parties and candidates will have 12 weeks after election day to submit a return to the Electoral Commission.

Importantly, this bill will deliver expenditure caps for the first time in WA. Unlike other jurisdictions, such as New South Wales, South Australia and now Queensland, there has been no cap on expenditure in WA to date. This lack of an expenditure cap gives capacity for a single group or individual to spend large sums of money and to buy a platform that exceeds the reach of both the minor and major political parties.

...

This bill will also introduce a complete ban on foreign donations. It will be unlawful to accept a political donation unless the donor is an Australian resident or citizen, or has an Australian business number. It is intended that foreign donations will be banned on the basis that foreign donors should not be able, or have a right, to influence domestic policy. This ensures that for those parties that are registered only in WA, the ban on foreign donations already in effect federally will also apply.

... this bill is about transparency, integrity and accountability. Voters have a right to know as much as possible about candidates and political parties before polling day, including who is funding them. Tightening

the rules around financial disclosure will give voters greater confidence in the Western Australian electoral process. I look forward to the support of all in the chamber on these important reforms.

As everyone has just heard, the reforms put forward in this bill are the result of years of election and legislative commitments from WA Labor that, after more than six years in government, still have not been realised. This bill is the bare minimum, and one I would move amendments to so as to improve it. The ball is now in the government's court to make good on its promises to voters. In Minister Dawson's own words —

Western Australian electors deserve to know that those with the deepest pockets should not be able to spend their way to influence an election.

With that in mind, pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 2292.]

Debate adjourned, pursuant to standing orders.