ELECTORAL AMENDMENT BILL 2024

All Stages — Standing Orders Suspension — Motion

On motion without notice by **Mr D.A. Templeman (Leader of the House)**, resolved with an absolute majority —

> That so much of standing orders be suspended as is necessary to enable the Electoral Amendment Bill 2024 to be introduced forthwith without notice and to proceed through all stages without delay between the stages.

Introduction and First Reading

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

Explanatory memorandum presented by the Minister for Electoral Affairs.

Second Reading

MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs) [4.06 pm]: I move —

> That the bill be now read a second time.

Last November, the Electoral Amendment (Finance and Other Matters) Bill 2023 passed Parliament, receiving royal assent on 11 December, with the substantive parts due to commence on 1 July this year. It made a comprehensive range of amendments to the Electoral Act 1907 designed to modernise our electoral system and make it fairer and more transparent. The current bill will make further amendments to the act in relation to political contributions and the publication of donor information to ensure even greater transparency, while also better protecting the privacy of individuals and making it easier for political entities to comply with their disclosure obligations.

I turn first to the disclosure of political contributions. Ahead of the commencement of the Electoral Amendment (Finance and Other Matters) Act 2023, the Western Australian Electoral Commission has been providing briefings to political parties, developing guidance material for publication and developing an online disclosure system. Throughout the implementation process, it has become apparent that the provisions dealing with the disclosure of political contributions may be interpreted in a way that applies a higher standard of transparency in relation to donors who make smaller and more frequent contributions than those who make larger ones.

Section 175MA provides for the disclosure of political contributions that are more than the specified amount, while section 175MB provides for disclosure when multiple political contributions have a combined value of more than the specified amount. Depending on which section applies, subsequent contributions by the same donor in the same financial year may need to be disclosed only when they are also over the specified amount. However, if section 175MB applies, all subsequent contributions must be disclosed, and the timeframe for doing so is by the end of the next business day.

This bill will replace sections 175MA and 175MB with a new section 175MA that will ensure that when a political entity receives a political contribution from a donor that exceeds the specified amount, whether in one contribution or multiple contributions combined, for the rest of the financial year, they will have to disclose all subsequent contributions from that donor regardless of the amount or value. The timeframe for disclosure will remain within seven days of receipt, except during the capped expenditure period when disclosure must occur by the end of the next business day. This will ensure that regardless of whether a person makes large political contributions or frequent small contributions, the same level of transparency and timeframe for disclosure will apply.

The new section 175MA will also provide that the responsible person for a political entity is to be taken to lodge a notice disclosing a political contribution if another person lodges it on their behalf. This will allow the responsible person to instruct another person to assist them to comply with their disclosure obligations and will be appropriate in this context due to the significant increase expected in the number of political contributions that will need to be disclosed, and the frequency with which this disclosure obligation will arise.

The bill will also put beyond doubt that anonymous political contributions of any amount are prohibited. Section 175R, as to be amended, provides that political entities must not accept a political contribution above the specified amount unless the identity of the donor is known. This section will be amended to ensure that it applies to all political contributions. A responsible person for a political entity who receives an anonymous contribution without any reasonable excuse will commit an offence and be liable to pay a fine of up to $36 000 in the case of a political party or $24 000 for any other political entity. The responsible person will avoid liability if within seven days of receipt of an anonymous contribution, they take acceptable action and return the contribution or transfer an equivalent amount back to the donor or the state.

I now turn to the requirements in the act for the publication of information contained in certain claims and disclosure documents. Under section 175MC of the act, as to be amended, the Electoral Commissioner will be required to publish the details of all disclosable political contributions on the commission's website, and under section 175ZC must also make all claims and disclosure documents available for perusal at the commission's office. This is to

ensure the voting public will be able to easily see the details of political contributions accepted by political entities, including the identity of the donor and the amount of the contribution. As it stands, the commission will be required to publish the donor's address, unless the person is a silent elector or can demonstrate to the Electoral Commissioner's satisfaction that to do so would be a safety risk to themselves or a family member.

The government has reconsidered its position on this based on continuous feedback and the shifting climate in society in which personal information is an increasingly valuable commodity and identity theft is becoming more prevalent. In reforming our political finance laws, the government's intention was to improve transparency in relation to political contributions; however, in doing so, we must be careful not to overstep and infringe upon the right to privacy. The ease with which anyone worldwide would be able to locate a donor's residential address on the commission's website with a simple google search differs from traditional methods of publication. Incidents such as the protest last year by fossil fuel protesters targeting a high-profile CEO's family home demonstrated the need to maintain boundaries between public and private life.

To ensure that we are striking the right balance, this bill will provide that the Electoral Commissioner must not publish and make available for perusal a person's address, other than their postcode, under the disclosure notice requirements in sections 175MC and 175ZC. This is similar to the practice applied in other Australian jurisdictions such as New South Wales, which publishes the donor's postcode and electoral district, and Victoria, which publishes the suburb and the state. This change will achieve the goal of transparency, ensuring that donors can still be identified whilst better protecting their personal information and privacy.

When the Electoral Commission is informed that a donor is a silent elector or considers disclosure would pose a risk to personal safety, it must still ensure that no part of the donor's address will be published, including their postcode. This bill will further improve and strengthen WA's electoral system and deliver on the government's commitment to gold-standard transparency.

MS M.J. DAVIES (Central Wheatbelt) [4.17 pm]: I rise to speak on the Electoral Amendment Bill 2024 on behalf of the opposition. It is quite remarkable that we are back here debating this again. The act that we have debated and amended a number of times in both this house and the Legislative Council is being amended again a few short months later. In October 2023, we debated the Electoral Amendment (Finance and Other Matters) Bill 2023. The Attorney General and the government refused to send it to a committee, saying that it was not an appropriate use of the Parliament's time, that it did not think it was necessary and that it had everything under control. That was alongside multiple amendments moved at that time by the government.

When we discussed the previous legislation, the opposition—me and others—asked the Attorney General who he had sought advice from. It emerged that he sought advice from the Western Australian Electoral Commission, some electoral commissions from other jurisdictions and the Labor Party. We put it to the Attorney General that it might have been appropriate to consult all major stakeholders like the Liberal Party, the National Party, the Labor Party and perhaps the Greens, and that that might have assisted in creating a system with the desired level of transparency, usability and efficiency. That might have been something useful, but that, too, was dismissed.

In fact, I put the following to the Attorney General on 12 October —

> Would it not have been a good idea for the minister to at least reach out and find out whether the practicalities of what we are debating would work for all sides of politics?

That was part of a broad conversation around consultation with the political parties that will be using this system of financial disclosure, which we now know has been a complete disaster in its implementation. We are a few short weeks out from it being required, as of 1 July, and there have been letters from state directors and the political parties involved stating that they have been very displeased with the process to date. They say they have not been able to get the information from the Western Australian Electoral Commission. It was promised that the portal and online platform—not a spreadsheet like I was told during estimates, Attorney General—would be ready to go. The gold standard, you-beaut system was not done—none of it! The Attorney General would not let the Electoral Commissioner speak during estimates. That is the first sign of someone running political interference, because every other minister allows their government department heads to respond to questions during estimates. He was mute during the entire estimates process. We find ourselves here again with a motion to suspend standing orders so that we can read in a bill and debate it. We have been told that it has to go through this house before close of business tomorrow. How ridiculous! It is an utterly ridiculous situation and use of the Parliament's time.

I had a conversation with the Attorney General and his staff on, I think, Friday, and a briefing was organised for yesterday. My counterparts in the Liberal Party had theirs at 8.30 this morning. How many times do we have to stand in this house and point out how chaotic this government is when it comes to legislation? My patience is utterly spent with the use of time in this place. It is an institution that is supposed to deliver decent, good, well thought out, appropriate and usable legislation for everyone—the departments that will have to implement it, the stakeholders who will have to use it, and the people who interpret it in the media. It is embarrassing. I am embarrassed for the government. We stand here and again go through this process in which the minister says, "I have taken feedback."

We gave feedback during the last process when we stood in this house and were denied the opportunity to send it to a committee to let it do some work, because that committee has not done any work. That committee has not been asked to do anything. Sorry; it has done one inquiry and discovered that the government introduced a bill into the wrong house. It is like a comedy of errors—the arrogance of the members in this place and the way this Parliament is used. It is utterly disappointing as a parliamentarian to participate in this process. We are back here to amend this piece of legislation, which is important to do. It is important that we have very clear financial disclosure legislation for our political parties, the stakeholders and the people who want to participate in our political and democratic process. That is important, but the government has not got it right either in this place or in the implementation phase, and the only word that can be used for it is "chaotic".

I go to the detail of the amendments. One is for consistent disclosure rules and timeframes for large and small donations. When I went back to look at the debate, it was pretty clear that the government was attempting to create a system in which, once the disclosable amount of $2 600 was hit, whoever was making those contributions would need to be disclosed. Everything beyond that, cumulatively, would then be disclosed, because we do not want people to diddle the system and make lots of little contributions that end up being one great big one. I cannot imagine why anyone would think that would be the system the government was trying to set up. However, it turns out that someone has given the government feedback. I will be very interested during consideration in detail to learn where that has come from, why that interpretation has been made and why we had to come back here to amend the legislation to clear up or clarify what that is.

Likewise, the disclosure of names and addresses is now being amended to names and postcodes. I remember sitting here having a conversation with the member for Cottesloe about the opposition's concerns about the safety and security around the disclosure of donors' information. Those concerns were dismissed, but now the Attorney General says he has had continuous feedback about this very matter. I would like to know who the Attorney General's continuous feedback was from. Will he provide it to the Parliament? Clearly, it was not enough that the opposition, in the Parliament, where the legislation is made, provided that feedback and raised those concerns, because in the short weeks and months since that discussion, he has now had feedback that that is not appropriate. Why has more weight been given to people outside the Parliament providing the Attorney General with feedback while members of Parliament who stand here representing their constituencies and who are involved in this every day, get dismissed? How was the feedback provided, who provided that continuous feedback and has anything specific triggered this? I want to know. If we are going to use the Parliament like this, we are going to sit here and have the conversation until I am satisfied, and then it can go to the Legislative Council and its members can ask again. As for the prohibition on political entities accepting onerous donations of any amount, I remember a lengthy conversation about that too. We talked about being at a fundraiser where someone is handing around the hat and they put in $50. I said something along the lines of needing to make sure that if someone puts money in a hat at a local fundraiser, we will need the names of everyone who contributed so that we can disclose it appropriately. The Attorney General said, "Absolutely. Right. Sounds good. Sounds a bit difficult to manage administratively, but that seems to be where we have headed, so we're all on board." Now we have to come back, as the Attorney General has either forgotten, or there has been an example or—I do not know—a thought bubble somewhere along the line in the middle of the night that we need to have an offence to make sure that people are absolutely clear that everyone's name has to be written down when handing the hat around. It is mind-blowing, and I do not mean that in a good way, for Hansard's benefit.

The other amendment is the responsible person being taken to have lodged a disclosure notice if another person lodges it on their behalf. From memory, I think this was about the state director being the agent for the party and then allowing them to delegate that responsibility. Again, those are the sorts of things that get picked up when legislation is sent to a committee, because it asks about consistency between legislation, the standardisation of these types of powers and what happens in other states. Because this government is so arrogant that it refuses to use the committee system, these sorts of things then happen, and we find ourselves sitting here on a Tuesday, suspending standing orders, running a bill through in two days and talking about things that we have already had the opportunity to talk about. It is unpalatable.

The opposition will not oppose any of these amendments. We fall short of saying that we are out there leading the charge to support them, but there is no point in opposing any of this. We will go through the legislation and ask questions about where, why and how this emerged. I would appreciate the Attorney General providing some more clarity about who these discussions have originated with and how they emerged. I can only assume that it has come about because, in the very late-stage consultation between the Electoral Commissioner and the party stakeholders, the government found that some of this legislation is completely unworkable, or that there are points of difference between the political parties. Had there been consultation in the first instance, we might not have been wasting the Parliament's time. Here we go! I am not sure whether any of my colleagues want to jump up and have a say. We will get on with this farcical process and move to consideration in detail. We will not oppose the bill, but we want to register on the record our absolute displeasure with having to even consider or spend time having this conversation, given that we had it in this place in only October last year.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Ms M.J. DAVIES: As I just outlined in my contribution to the second reading debate, this is probably the only place in the Electoral Amendment Bill 2024 that we can have this discussion, given that we are amending the Electoral Act again. Will the Minister for Electoral Affairs provide me with some detail on how these amendments arose, in terms of conversations or stakeholder feedback, and when that was provided, who it was provided by and why it was considered necessary to amend a piece of legislation that we debated no more than six months ago?

Mr J.R. QUIGLEY: During the preparation of guidelines by the Western Australian Electoral Commission for publication to all political entities and candidates—the first two guidelines of which, as the member is aware, have already been published—the guidelines were discussed by the commission with the State Solicitor. There was feedback from the State Solicitor on the disclosure requirements when it became $2 600 and also from political entities and political parties. That was from the State Solicitor, political entities, political parties and my staff.

Ms M.J. DAVIES: Could the minister give me the timeline? When were these guidelines published and when did the feedback come to the minister?

Mr J.R. QUIGLEY: From the beginning of May, and then there was a meeting between the commission and political entities on 14 May and thereafter.

Ms M.J. DAVIES: Why did it take until the beginning of May for the consultation process to start? The guidelines had already been published. Why was that not done earlier in the year, given that the legislation went through the house last year? We are heading to crunch time on 1 July when all this will be implemented. The Electoral Commission gets to say that from 1 July all the parties that sit behind that process have to have all their ducks in a row. Would it not have been better to start the process earlier in the year so that the feedback from the State Solicitor and the political parties could have been given in the first quarter of this year and we could have had time for the implementation and identification of any mistakes that the minister and his team may have overlooked in the legislation?

Mr J.R. QUIGLEY: The political entities were in contact with the commission from January this year.

Ms M.J. DAVIES: Why, if they were contacted in January, are we amending the legislation now—less than a month before it will be enacted on 1 July? Why has it taken this long?

Mr J.R. QUIGLEY: As I said, we were getting legal advice, discussing it with the State Solicitor and looking at the options.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Sections 175MA and 175MB replaced —

Ms M.J. DAVIES: Could the minister go through the detail of what we are removing and what we are replacing it with? As I understand it, this is the amendment that goes towards ensuring that when a donation is made and the amount of $2 600 is reached, if the same donor continues to donate, every donation after that amount will be identified. It is not a case of hitting $2 600 and then going back to zero and nothing has to be declared until hitting the next $2 600. Could the minister clarify that my understanding is correct? Once the $2 600 threshold has been met, will donors need to make sure that every donation after that is disclosed?

Mr J.R. QUIGLEY: Under proposed new section 175MA, if a political entity receives a political contribution from a person that exceeds the specified amount, whether in one contribution or in multiple contributions combined for the rest of the financial year, they will have to disclose all subsequent political contributions from that person, regardless of the amount or value. The timeframe for the disclosure to occur outside the capped expenditure period will be within seven days. This will ensure that, regardless of whether a person makes a large political contribution or frequent small contributions, the same level of transparency and the timeframe for disclosures will apply. The answer to the member's question is in the affirmative.

Ms M.J. DAVIES: Can the minister explain what led to the amendment in terms of feedback? Was it feedback from the Western Australian Electoral Commission? Was it a systems issue? Was it an interpretation issue; and, if so, where did it come from? Who raised concerns with the Minister for Electoral Affairs?

Mr J.R. QUIGLEY: The State Solicitor.

Ms M.J. DAVIES: I presume the minister cannot provide that advice.

Mr J.R. Quigley: That's right.

Ms M.J. DAVIES: Let me think about this, given that I have had all of 12 hours to get my head around it. If a donor makes a donation to our party and it is below $2 600, as I understand it there is no requirement to disclose, but if they make a second contribution that tips them over $2 600, they have an obligation to disclose every donation after that. Then, depending on which part of the electoral cycle they are in, it is either weekly or daily. Is that correct?

Mr J.R. QUIGLEY: Yes, that is the effect of the amendment. That is what will happen.

Clause put and passed.

Clause 6: Section 175MC amended —

Ms M.J. DAVIES: During my second reading contribution, I recall that we discussed this clause. The member for Cottesloe raised concerns about the disclosure of individual donors' addresses. Is the minister able to provide us with any additional information—that is, the continuous feedback he has received, who provided that feedback, why it was given enough weight to amend a piece of legislation on this matter, and how that advice was provided to the minister or the Electoral Commission over the last six months?

Mr J.R. QUIGLEY: When setting public policy, we need to weigh up matters. The member for Central Wheatbelt made some comments and the member for Cottesloe made some comments. After we decided to come back and fix the previous clause we dealt with, I considered the member for Central Wheatbelt's comments further. I did not receive further feedback from others; I discussed the matter with my staff, suggesting we look at what members are saying and have a look around Australia. I came up with two states that used an alternate method to other states and made a call. I made the call knowing that full details of the donor could always be ascertained by physically going to the Western Australian Electoral Commission and inspecting the roll. If a donor was named Quigley, who lived at an address with the postcode 6020, that will not tell the keyboard warriors enough to attack me. If they wanted to get on a bus and hoof it into the Electoral Commission and look at the electoral roll for Quigleys who lived in a suburb with a 6020 postcode, that will take them there, but extra effort is required.

Reflecting upon what the members for Central Wheatbelt and Cottesloe said, I discussed it with my staff and then with the Electoral Commission. I also discussed it with the Solicitor-General because there is a provision in the act that provides that it does not have to be disclosed if it could threaten safety. But the issue of safety has to be considered discretely with every donor. I thought that was not really required, so we decided to just include a person's postcode. That is how we arrived at the amended clause—after listening to the member for Central Wheatbelt and the opposition, considering these matters and considering Australian practices.

Ms M.J. DAVIES: The second reading speech stated that the government's position was "based on continuous feedback". We provided feedback during the debate on the Electoral Amendment (Finance and Other Matters) Bill 2023 because we were not afforded the opportunity for that bill to go to a committee. That was dismissed at the time. That was a clever turn of phrase, and I thank the minister for making it seem like the opposition can impact anything this government does. I cannot accept what the minister has just said. Someone has clearly raised this matter with him. It was not us, because we raised it during the debate and the minister made amendments to the legislation during the debate when he agreed with some of the things we raised. Who provided the continued feedback that the minister referred to during his second reading speech? From where did he receive feedback? Was it from the Labor Party's state secretary, potential donors or the Electoral Commission? I do not for one minute think it was because of anything we said in this place because it was dismissed at the time, and the minister took on other advice that we provided and made the amendments at the time. If we are going to sit here and consider this legislation, I would appreciate a direct answer to my question about the direct feedback and how it was provided to the minister. Was it provided in writing or verbally from your party's state secretary? Did somebody write a submission? I ask the minister to provide the house with that information.

Mr J.R. QUIGLEY: I have already given the member the answer to the question. That is all I have to say.

Ms M.J. DAVIES: Just so that I am clear, the postcode and the name of the donor will appear on the disclosure register of the individual. It has to be their primary residence. Will it be the address that is listed with the Electoral Commission? Could it be a postcode related to a business address? What will be the rules and guidelines around this particular change?

Mr J.R. QUIGLEY: It will be the address of the person making the disclosure, the same as when they enrol to vote and they put down an address. We do not send someone out to check that they are inside the house; the person nominates their address. If they do it falsely, that would clearly be a wrong thing to do.

Ms M.J. DAVIES: In the case of a donation from a business, would the address need to be a registered business address or the address of a person or individual within the business? Could they provide their post office box number or would it need to be a physical address or a postcode?

Mr J.R. QUIGLEY: The member has conflated two things. I am not critical of that.

Ms M.J. Davies: I had so much time to consider it, Attorney General; I am probably conflating a whole bunch of things!

Mr J.R. QUIGLEY: In the case of a corporate entity, the business address of the corporate entity will be used. In the case of a person within that corporate entity, be they a director, a chief finance officer or a chief executive officer, the donor's address will be given. It is up to them to provide their address.

Clause put and passed.

Clause 7: Section 175N amended —

Ms M.J. DAVIES: Sorry, minister, I am flying a bit blind here. Can the minister explain what clause 7 seeks to do?

Mr J.R. QUIGLEY: We are seeking to insert the word "combined" in section 175N(3)(a) to put beyond doubt that political parties lodging an annual return under section 175N must report the combined amount or value of all political contributions received as well as the relevant details of each individual political contribution for which a notice must be lodged under proposed section 175MA. Changes to the wording of section 175N(3) are also necessary as a consequence of amendments to the provisions in section 175MA about disclosure of political contributions. However, there will be no change to the effect of this subsection.

Ms M.J. DAVIES: The note I was provided—this is in addition to the four main areas of amendment that we were advised about —

Mr J.R. Quigley: Was that the note I sent you the other day?

Ms M.J. DAVIES: Yes. The conversation we had was around four areas of amendment. I am just trying to understand what clause 7 is related to.

Mr J.R. QUIGLEY: It does not relate to any of those particular four; it is just necessary to clean up the wording of section 175N(3), which deals with the combined amounts. This clause will bring that subsection in the act into line with the amended wording of section 175MA.

Clause put and passed.

Clause 8: Section 175NA amended —

Ms M.J. DAVIES: Can the Attorney General confirm that clause 8 is a consequential amendment flowing on from clause 5?

Mr J.R. QUIGLEY: Yes, it is.

Clause put and passed.

Clause 9: Section 175R amended —

Ms M.J. DAVIES: I went back to the record of the debate we had on the Electoral Amendment (Finance and Other Matters) Bill 2023 and we covered this section relatively well in terms of it being clear that there was no scope for anyone to provide an anonymous donation. I distinctly remember the scenario that was painted in the second reading speech today around being at a fundraiser and someone passing around the hat, as many of our political members do, or our branch members do on our behalf in an organisation. They put money into the hat. Our clarification at the time was that there would have to be a list of everyone who puts money into the hat to make sure we know how to disclose it appropriately. Of course, it depends on the amount; if it is not a disclosable amount, one does not need to do that. Why has it been necessary to not only create an amendment, but also add a penalty? Why will a penalty be put into the legislation and not be done by regulation? Why was it overlooked in the first place?

Mr J.R. QUIGLEY: It was always implied, and we always thought it was clearly implied from the legislation—and it is—that people could not accept an anonymous donation because, firstly, they had to satisfy themselves that it was not a foreign donation. Secondly, they could not accept an anonymous donation because that might have taken the donor above the amount to be declared. We always said it was clear from the act itself that to comply with it, people could not accept an anonymous donation. Regulations were then prepared to provide that parties would keep a receipt book of donations. During the preparation of the guidelines, it came from the State Solicitor that there was an inconsistency. As it stands, section 175R provides that it is unlawful for a political entity or a person acting on behalf of the political entity to receive a political contribution of an amount or value that exceeds the specified amount. Unless they know the name or address of the donor, or unless the name or address of the donor are given to them, there are no grounds to believe that is true. We wanted to spell it out absolutely that it did not require a person to make this obvious deduction. How can one certify that it is not a foreign donor if it is an anonymous donation? It could not be so certified. How could someone know they have received in excess of $2 600 from a particular donor and, therefore, have to disclose if anonymous donations were being received? Therefore, as we were coming back into Parliament, it was decided by the government to make it abundantly clear, without having to make that obvious deduction, that one could not accept the political donation. I decided that it is all very well

to put in that one cannot accept an anonymous donation if there is no sanction against an anonymous donation. The proposed penalty is exactly consistent with the penalties under section 175U for offences relating to disclosure of political donations and contributions; for example, the failure to lodge a disclosure document is the same penalty. Something that is false in the documentation and that is false in the material particular has the same penalty. The penalty for the offence of accepting an anonymous donation will be the same as the penalties for the other disclosure offences, just to make it consistent and keep anonymous donations out of our democratic system.

Ms M.J. DAVIES: Did the Attorney General seek advice from the State Solicitor before he brought to the house the original legislation?

Mr J.R. QUIGLEY: The process by which it works is that when the department receives the drafting instructions, it confers with the State Solicitor; it is not necessarily through my office. They are all down there together in the David Malcolm Justice Centre. The member might remember that from her own ministerial experience. The department prepares it and it talks to the State Solicitor. Once the commission started to publish guidelines for the edification of all candidates and political entities, and we drilled down into those guidelines, one or two things came to our further attention, such as the capped amount and there being no penalty for anonymous donations. When that was pointed out to us, we addressed it in this amending bill.

Ms M.J. DAVIES: I can understand when guidelines are being drawn up that some issues may need to be tested with the State Solicitor, but there was an absence of a penalty. Someone could argue that the opposition could have picked up that there was no penalty in the act; however, it was reasonably complex legislation and I do not think we were given much time to consider it. I think it was just missed and it is convenient to put it in now. But, again, I am not accepting the Attorney General's explanation on that. When an offence is created, a penalty goes in. It was an oversight, and the Attorney General should just call it that. He should say it was an oversight by the department, the State Solicitor, himself, cabinet—all the people on the Attorney General's side who got to look at it before it came to us and was rammed through the Parliament. Someone did not see it. That is what this was. That is all. We are not opposed to putting a penalty in and we are not going to have an argument about it, but let us call a spade a spade, Attorney. Somebody missed it.

Dr D.J. HONEY: I was thinking of a circumstance. Bill Bloggs is an ordinary branch member out there—one of the troops. Bill wants to help the Liberal Party so he says to all his mates that he will help the Liberal Party with a whip-round and asks if they want to put in $50 or whatever. Bill Bloggs then makes the donation of, say, $2 000 that he collected. Bill makes a donation to the party and the party declares the donation of Bill Bloggs of $2 000. That is declared under Bill's name. Would that fall foul of this law, as amended by this bill, in that ordinary individuals, ordinary Joes, have given money to Bill? Would Bill be required to record all the names and details of each person?

Mr J.R. QUIGLEY: No, because they would not be donating to the entity; they would be donating to Bill. Once Bill transferred money to the party, the party must issue a receipt with Bill's name and address on it. However, I put a caveat on that. If it is a scheme to get around foreign donations, they will be a goner.

Ms M.J. DAVIES: Can the Attorney General advise how we arrived at $36 000 for the penalty for the political party or $24 000 listed for an individual? How were those amounts arrived at?

Mr J.R. QUIGLEY: It is exactly the same penalty as the Parliament approved for other sections for non-disclosure of $36 000 or $24 000 when the entity is not a party. We have tried to make it consistent.

Clause put and passed.

Clause 10: Section 175T amended —

Ms M.J. DAVIES: Can the Attorney General explain what clause 10 seeks to achieve? Is it a consequential amendment? Is this an additional amendment outside the four main amendments we are dealing with?

Mr J.R. QUIGLEY: The amendment is further consequential to clause 5. The definition of "disclosure document" will be amended to replace reference to a notice under sections 175MA(1), 175MB(2) or 175MB(4) with reference to a notice under proposed section 175MA. There will be no substantive change.

Clause put and passed.

Clause 11: Section 175ZC amended —

Ms M.J. DAVIES: I have the same question. Can the Attorney General explain whether it is a consequential amendment or is it clarifying another part of the legislation? I can see it relates to the disclosure of someone's address and postcode.

Mr J.R. QUIGLEY: It is to remove the full address for when a person inspects the gift register. The gift register will be consistent. The register for public inspection at the Electoral Commission's office will be the same as what

is posted on the internet—that is, "John: $2 700–6020". That will be on the document inspected at the commission. It will reflect exactly what will be on the website.

Ms M.J. DAVIES: Are we talking about a hard copy and an online copy? Is it allowing for the fact that whatever is disclosed through the at present incomplete online register will be reflected in a hard copy in the Electoral Commission's office?

Mr J.R. QUIGLEY: Yes.

Ms M.J. DAVIES: When will that be ready? Will the online disclosure system for publication be ready for 1 July, and will that document for the public to inspect be available on 1 July?

Mr J.R. QUIGLEY: No and yes. No, it will not be on 1 July, because there will not be an obligation to have it up until 8 July. It will be seven days after someone donates. If someone donates on 1 July, it will be ready for 8 July.

Ms M.J. DAVIES: I want to be crystal clear, Attorney General. Will the online disclosure document and the in-person hard copy be ready for the public to inspect online and in-person on 8 July, which is the earliest point if someone makes a donation on 1 July?

Mr J.R. QUIGLEY: Proposed section 175MC(1), which is not being amended, provides —

> The Electoral Commissioner must, as soon as practicable after receiving a notice under section 175MA, publish the information contained in the notice on the Commission website.

Obviously, if hundreds arrive that day, it might take the Electoral Commission a reasonable amount of time to enter and post it, but as soon as reasonably practicable after receiving the notice, it will be published. The Electoral Commission will be ready to do that from 8 July.

Ms M.J. DAVIES: There could be a scenario in which donors and the public seek to benefit from this government's attempts to increase transparency and there may not be publishing of that information as it is received. Why? Would it be because of the online portal, which will supposedly work seamlessly between the political parties, or because the system does not allow for it? Is there a team of people standing at the back waiting to process it all and put it into a spreadsheet? Will they write it out by hand? Attorney General, this was sold during the debate as a seamless online system. When a donation is made, a party is required to tell the Electoral Commission, with the assumption that the next day or on that day, people who are interested in our democracy can go and see who has made that donation. Is that going to happen or is it not going to happen? Are we going to have delays so that it will not be in real time?

Mr J.R. QUIGLEY: It will be as soon as practicable, which will probably be the next day. Sometimes, the commission will have to go back to the party to clarify some of the information given. It will only be as good as the information coming from the parties. Sometimes they will have to go back and clarify it. There is a clear obligation for it to be as soon as reasonably practicable. The Electoral Commission will be receiving this information daily during the capped period, so it will be geared up to post.

Clause put and passed.

Title put and passed.

Third Reading

MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs) [5.12 pm]: I move —

> That the bill be now read a third time.

MS M.J. DAVIES (Central Wheatbelt) [5.13 pm]: I thank the Attorney General for providing some clarity on what has been a very unedifying process in relation to a very important process. All I can conclude from having gone through that is that there were oversights in the drafting of the legislation. There has clearly been feedback at a very late stage because the Electoral Commission and the government did not start that discussion early enough with key stakeholders. Had that advice been provided and the guidelines been developed earlier in the year, we would not be hustling this through Parliament and scrambling to get the political parties and the system in place three weeks out from 1 July.

As an opposition, we do not oppose the legislation. We did not oppose the Electoral Amendment (Finance and Other Matters) Bill 2023 when it went through the house because we all stood and said we supported improving transparency for financial disclosures and making sure that people understand where money comes from, whom it is being donated by and how it is being spent. I certainly do not agree with the process and how it is being developed and implemented. However, with the principle of being open and transparent, you will never get an argument from the opposition. What I can say is that this is a debacle and I do not see it getting any better as 1 July comes. I know there is not a great deal of sympathy for political parties with limited resources in the broader community, but we are key stakeholders in this and the government has a responsibility and did not undertake that consultation. We are now trying to engineer a system right in the middle of a process where it is being introduced. I would say that

is a complete failure in process. We are not opposed to the legislation. We are happy to see clarity. It would have been better if this was appropriately dealt with the first time round. As we have come to expect from this government, it is just a rubber stamp through this house. Nothing we say gets taken on board. The committee process is a joke, notwithstanding that people are genuinely standing by and wanting to participate in it. This government has no inclination or appetite to use any of the tools of the Parliament. That is its arrogance on display. I cannot wait for the election—bring it on.

MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs) [5.15 pm] — in reply: Of course, we reject those criticisms by the opposition. The Electoral Amendment Bill will clarify and make it easier for the member and for other parties to comply with the legislation. That is why the opposition does not oppose it. At the end of the day, the opposition knows that the government is facilitating an easier process for parties to comply. It will be easier by not having to supply the full addresses and by enabling the agent of a party to be able to delegate or instruct someone else to send off the disclosure form. We are not scrambling at all; we are just clarifying this. We are not embarrassed at all. Part of the parliamentary process is to deliver good legislation, and I always listen. Sometimes I go home and belt myself in the head and say, "More fool me for listening to the opposition!" I brought a bill before the chamber saying $2 000. The opposition said they wanted it to be made $2 600 to make it consistent with the feds. More fool me, I listened to them and went with the amendment that they proposed! Then opposition members voted against their own suggestion. That was just nuts and to then turn around and say to us we are confused and lost in anyway—we have simply clarified a couple of points that needed clarification after the guidelines were prepared, in the process of preparation. I am pleased that this matter has occupied only 70 minutes of the Parliament's time—just a whisker over an hour. We are delivering to the constituency of Western Australia the best disclosure system in the country bar none. It is a gold-standard transparency for donations going into the next election. I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.