

**ELECTORAL AMENDMENT BILL 2024**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, read a first time.

*Second Reading*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [8.57 pm]: I move —

That the bill be now read a second time.

I rise to introduce the Electoral Amendment Bill 2024. Last November, the Electoral Amendment (Finance and Other Matters) Bill passed the Parliament, receiving royal assent on 11 December, and with the substantive parts due to commence on 1 July this year. It makes 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.

Disclosure of Political Contributions: 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. Through that implementation process, it has become apparent that the provisions dealing with disclosure of political contributions may be interpreted in a way that applies a higher standard of transparency in relation to donors who make smaller, frequent contributions than those who make large ones.

Section 175MA provides for disclosure of political contributions that are more than the specified amount, while section 175MB provides for disclosure when multiple political contributions have 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 where 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 to occur will remain within seven days of receipt of that political contribution, except during the capped expenditure period when disclosure must occur by the end of the next business day. This reform will ensure that regardless of whether a person makes a 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, will provide 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 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 either 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 publication of donor 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 or value 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 we are striking the right balance, this bill's amendments will provide that in relation to the requirements in section 175MC and 175ZC to publish and make available for perusal the information in a disclosure notice, the Electoral Commissioner must not publish a person's address, other than their postcode. 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 state. This change will achieve the goal of transparency, ensuring that donors can still be identified whilst also 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 no part of the donor's address will be published, including their postcode.

Pursuant to standing order 126(1), I advise that this 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.

The bill will further improve and strengthen WA's electoral system and deliver on the government's commitment to gold-standard transparency. I commend the bill to the house and table the explanatory memorandum.

[See paper [3224](#).]

Debate adjourned, pursuant to standing orders.

*House adjourned at 9.04 pm*

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