

ELECTORAL AMENDMENT (ACCESS TO MINISTERS) BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Hon Alison Xamon**, and read a first time.

Second Reading

HON ALISON XAMON (North Metropolitan) [10.12 am]: I move —

That the bill be now read a second time.

The Electoral Amendment (Access to Ministers) Bill 2017 is designed to prevent the promotion of functions, gatherings, meetings or events aimed at raising funds for a particular political party on the basis or suggestion that attendees will thereby gain access to a minister. It should go without saying that selling access to ministers for the purpose of political fundraising is a fundamental breach of democratic principles. Ministerial appointment is a privilege bestowed upon some members of Parliament when their political party wins the right to act as the executive arm of government. As the principal executive officers of government departments and agencies, ministers are key members of the executive. They are individually responsible for the administration of Western Australian government departments and agencies within their portfolios. Ministers have legislated authority to grant permits, approvals, licences, land rezoning, grants, loans, ex gratia payments, dispensations and a wide range of other legal and administrative mechanisms of benefit to individuals and companies. The extent and nature of ministerial power demands that ministers make decisions according to law and act fairly and in the best interests of the entire community. This bill improves the capacity of ministers to exercise their powers fairly by preventing a political party from selling access to ministers to raise political funds. It is in the interest of every Western Australian that we protect the ability of ministers to do so.

Ministers often contend that they have no knowledge of political donations and that even when they do, they would never allow major donors to influence government decisions. Irrespective of intentions, party fundraisers that promote or imply special access to ministers suggest that attendees may have some influence over the exercise of ministerial decision-making power or discretion. Widespread perception of corruption in the government decision-making process has the capacity to adversely affect the proper working of our system of democracy. This bill will go some way to ensuring that a political party does not receive financial benefits for events that sell special access to ministers. In so doing, the bill will enhance public confidence in the integrity and transparency of the executive and the process of government decision-making.

In addition, all political parties in a democracy are entitled to compete freely with each other for legal control of the institutions of state power. However political fundraisers that promote ministerial access can be offered only by the party in office. As such, these fundraisers simultaneously compromise the political playing field and trivialise the importance of ministerial positions. Ministerial titles deserve greater respect. They should not be shamelessly exploited as a mere perk of office. This bill goes some way to respecting and protecting the important role that ministers occupy within the executive.

The bill is very simple. It creates a new section 176 in the Electoral Act 1907. The operative provision reads as follows —

- (2) A person must not promote a political fundraising event in a way that indicates —
 - (a) that a Minister will be present at the event; and
 - (b) that other persons attending the event will have access to the Minister at the event or in association with the event.

Penalty for this subsection: a fine of \$10 000.

The bill also creates an additional offence for persons who organise, hold or conduct a political fundraising event that is promoted in a way that contravenes the offence set out in proposed subsection (2). Any person found guilty of this offence will also be liable for a fine not exceeding \$10 000. This additional offence will extend the scope of the bill to organisers and facilitators of political fundraisers that advertise ministerial access at or in association with their event. This will act as a further deterrent to political parties seeking to abuse ministerial titles for their own financial gain.

I want to note the limits of bill. It is important to recognise that within the Western Australian constitutional system, ministers are also members of Parliament elected by and accountable to their electorate. To represent their constituents effectively, members of Parliament must be permitted to listen to and consult with their constituents. The Greens do not seek to compromise this role. Therefore, the bill will not prohibit political party fundraisers that advertise access to any member of Parliament in their capacity as a member of Parliament. Consequently, if political parties wish to raise party funds by charging Western Australians for access to their current elected representatives, they can continue to do so. Neither will the bill prohibit promoting access to ministers at charity

fundraisers. Ministers should be able to use their ministerial status to promote altruism and philanthropy in the community and raise funds for charitable activities. This bill will prohibit only the exploitation of ministerial status for the financial benefit of political parties.

This bill provides a simple and effective means to assist in safeguarding one fundamental component of our democratic system. It will go some way to improve public confidence in government decision-making and ensure that ministers do not provide any party with a sure-fire way to generate political funds.

Pursuant to standing orders 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 an explanatory memorandum.

[See paper 470.]

Debate adjourned, pursuant to standing orders.