ELECTORAL AMENDMENT BILL 2014

Second Reading

Resumed from 15 May.

MR W.J. JOHNSTON (Cannington) [4.21 pm]: I am the lead speaker for the Labor Party on the Electoral Amendment Bill 2014; we do not expect many people to speak. We have some amendments to move when we get to consideration in detail, and these are the same amendments that we moved in the upper house.

This bill deals with the electoral distribution commission, not the Electoral Commission. There are many people involved in politics—probably some in this room—who do not realise that there are actually two separate organisations. We have the Electoral Commission, which we are all familiar with, which runs elections and operates the electoral roll between elections; many of us would have had regular dealings with the Electoral Commission. Then there is the electoral distribution commission, which is formed under the same act, the Electoral Act 1907, but forms only for the purpose of performing a redistribution. It is absolutely separate from the Electoral Commission, although the Electoral Commissioner is also an Electoral Distribution Commissioner. The electoral distribution commission does not have any full-time staff of its own, so the Electoral Commission effectively contracts to the electoral distribution commission to provide its administrative and technical support. There are therefore officers of the Electoral Commission who have a second business card to say that they also work for the electoral distribution commission, so it can become quite confusing; we have the same people dealing with matters that cross from the Electoral Commission over to the electoral distribution commission. But it is absolutely important to understand that they are two separate organisations.

One of the amendments we will move today will be to allow the Electoral Distribution Commissioners to make their final reports in electronic form. That is a really good decision; it is something that everyone involved in the process of electoral redistributions will be very pleased about. For many years—probably nearly 25 years—the two main political parties, the Labor Party and the Liberal Party, have used geodemographic mapping systems to prepare their submissions to the Electoral Commission. Both major parties do all the work through those electronic systems and then have to render it into descriptors and pass it to the Electoral Distribution Commissioners. The Electoral Distribution Commissioners then work with the state land authorities to analyse submissions made in writing by the parties into a geodemographic system, analyse what is happening, run scenarios, and then write a report, but the report has to be in writing, using descriptors. The parties then take those descriptors, put them back into their own geodemographic systems and into the electronic form of maps, analyse the maps and develop their own ideas about how they respond to the Electoral Distribution Commissioners. They then return that information into the form of descriptors and pass it back to the Electoral Distribution Commission, which then, again, converts the descriptor information back into electronic form, and so it goes on.

We can see that, from the point of view of both the electoral distribution commission and the political parties, it is much better to be able to perform that process through computer file formats so that they do not have to go through the process of creating descriptors. As a former party secretary, I know about the sweat that forms on one's brow, because obviously they are negotiating internally with their organisation when their parties are making value judgements about what should happen with the submission and then, at the last minute, they have to reduce all that work to descriptors. I was very lucky that a guy called John Bisset, a retired employee of the Australian Bureau of Statistics, used to do all that for me, but it was still very stressful. From my contact with the state directors of the Liberal Party as secretary of the Labor Party, I know that they also went through a very similar process. It is great that we are now moving into the twenty-first century, given that all the major parties, including the Greens, and also the political commentators, have access to geodemographic systems. We can now all do that work and submit it to the commission electronically. It saves the commission time to be able to input that data as an electronic file in the form of a map, so we do not have to go through the intermediate step of creating descriptors of the redistribution before we do the to-and-fro.

There is also a change that the Labor Party will not support, and that is the change to the Freedom of Information Act. The Electoral Distribution Commissioners have the powers of a royal commission, but not the protections and immunities. If they had the powers, protections and immunities of a royal commission, they would be exempt from the freedom of information process. Obviously, the Electoral Distribution Commissioners believe that it is appropriate that they be exempt from those arrangements. The Labor Party says that the FOI arrangements should, in fact, continue to apply to the Electoral Distribution Commissioners as they currently do. In fact, I would go further. I understand that Electoral Distribution Commissioners make points about the potential for the need to allocate resources from their very, very small base to the purpose of replying to potential freedom of information requests. However, the way to solve that would be to make public, at the end of the redistribution process, all the documents relating to that procedure. If we think about it, all the submissions to the commission are public documents. Anybody in the community can make a submission to the Electoral

Distribution Commissioners. The commissioners call for submissions and the submissions are made; amongst others, local governments frequently make submissions, as do psephologists—people who study the mathematics of politics. I remember in one redistribution process there was a guy from Sydney whom nobody in Western Australia had ever heard of, making detailed submissions on 57 seats; it is a very open process, and anybody can make a submission. Once the submissions are made, all the parties are entitled to make commentary on them. In fact, they can then comment on the comments as well, and the same thing happens when the draft maps come out at the midpoint of the process, after the commissioners have considered the matters put before them by people making submissions. As part of their responsibilities under the act, they then provide draft maps and all the people who have made submissions and others are then entitled to again make submissions. At that point it is generally political parties and specific organisations with an interest, such as local governments and chambers of commerce, that make further submissions. Again, there is a process for comments on those submissions, then there is a process of comments on the comments, then comments on the comments, and then it finishes with oral submissions from parties to the Electoral Commission. Members can see that it is done in public for a purpose, and it is right that it be done in public; we need to have it done in public. Some issues are involved. I imagine that the commissioners might run scenarios and say, "What if we did this?" or "What if we did that?" If all that information became public, I do not think any commissioners would ever be criticised for such scenarios, and, quite frankly, it would be an improvement to the procedures that we currently employ.

I had the benefit of a briefing from the Electoral Distribution Commissioners. I understand their position, and take no negative connotations from their request to amend the Freedom of Information Act and extend these immunities to the operation of the commissioners. Having said that, I still think it is not an improvement and we will raise that during consideration in detail. We will also raise a technical amendment that has been moved regarding the items open for the commissioners to consider in making their redistribution. Existing section 16I reads —

> **Dividing State, matters Commissioners to consider when**
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> In making the division of the State into regions and districts the Commissioners shall give due consideration to —
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> (a) community of interest; and
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> (b) land use patterns; and
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> (c) means of communication and distance from the capital; and
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> (d) physical features; and
>
> (e) existing boundaries of regions and districts; and
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> (f) existing local government boundaries; and
>
> (g) the trend of demographic changes.

The government intends, effectively, to insert in paragraph (c) "means of travel", making it —

> means of communication, means of travel and distance from the capital;

When we get to consideration in detail, we will move an amendment on that. In our view, inserting the term after "communication" will be confusing and not improve the way the act operates. We will put that to the house and explain why.

We note that the Electoral Amendment Bill 2014 allows the commissioners additional time—effectively, potentially an additional month. The commissioners are not saying that they will use that additional time, but they would like to have it available to them during the process. There is a problem shared by all political parties: if the boundaries, as it happens now, are not published until the end of October—effectively, 17 months prior to the election—it cuts down the time parties have to select candidates and to put them in the field by extending it for a month. Christmas is in the way. My observation of the Liberal Party's and the Labor Party's operations is that candidates are not selected until after the Christmas break. Administrative matters are then dealt with inside the party to allow the democratic procedures of each party to take place. Therefore, candidates do not get into the field until only 12 months before the election. That is to the advantage of incumbents, and the Electoral Act should be neutral between incumbents and challengers. I am the incumbent member of Parliament, and my opponent should not have an artificial constraint against him or her in contesting the seat against me. This is not a question of the commissioners, because I understand why the commissioners need this additional time in their procedures, but the effect of that is to delay when the boundaries are available to the parties to then use their internal procedures to choose a candidate.

We are proposing the insertion of a new clause 5A to amend section 16E of the act, so that section 16E of the act will have the date on which the procedures start. At the moment it reads —

The State shall be divided into districts and regions in accordance with this Part —

…

(b) as soon as practicable after the day that is 2 years after polling day for any subsequent general election for the Assembly.

We will propose that that section be changed to read —

(b) as soon as practicable after the day that is 18 months after polling day …

We are happy for the commissioners to have their additional time, so they still get the extra time they need. That is perfectly reasonable. I can understand their enormous workload. They make the observation that they really need extra time in the middle of the process so that when they are considering the arguments of parties—when I use the term "parties", I do not just mean political parties, but other people who have made submissions—they have to consider cross-arguments against each other. For example, the Labor Party has over the years called for the seat of Albany to be included in the Agricultural Region. The commissioners might need to decamp down to Albany to take submissions from people in Albany to see their views. Sometimes the commissioners may have to think about moving an Aboriginal community from one seat to another. This amendment would allow them extra time to go up to those Aboriginal communities and talk to people directly impacted by the change. It is a perfectly reasonable thing for the commissioners to ask, but the effect is to make it harder for candidates challenging incumbents in the political process. This suggested amendment to the bill would allow the commissioners to do their work in the proper time lines, but remove the difficulty political parties of all persuasions have with the current arrangement in which the final boundaries are released very late in the third year of the term. The opposition's amendment is an appropriate response to the demands of the commission, and it will keep the political process moving along in the interests of all parties. I make the point that it is not about an advantage for Labor or Liberal; it is about an advantage for incumbents compared with challengers. We all, whether we are the sitting opposition or government member of Parliament, have challengers. It is not about trying to get a political advantage for one side or the other; indeed, even if it could be argued it is an assistance to an opposition, it is only an assistance to the current opposition. Now and again governments change, and it then becomes an advantage for the new opposition. There is no political advantage for one side of politics compared with the other; it is about making sure that all sides of politics have an equal go under the electoral system.

I will make some general comments about the Electoral Act. My first observation is that when we were debating an amendment bill in the last Parliament—I do not remember which—we had a bit of a discussion across the chamber about the potential to have a joint standing committee on electoral matters, in a similar way as happens in the federal Parliament. The 2008 election was a bit traumatic—I am not talking about the result, but rather some of the processes that were used and some controversies that arose regarding the process that was used to count the votes. In fact, that led to a report that was commissioned by the Electoral Commission itself. It is a very good report and led to significant change to the way the commission conducted the 2013 election. Many learnings—to use that wonderful new word—came out of that review. I am saying we should go one step further and have a joint standing committee on electoral matters that convenes after elections to review the process of the election in the same way as happens in the federal Parliament. The Joint Standing Committee on Electoral Matters in the federal Parliament is a standing committee. I do not know whether Western Australia needs a standing committee on electoral matters, but certainly a joint committee that forms and runs for a year or 18 months could go around the state and take submissions. I know the commission is sensitive about this issue and I acknowledge that it is considering it, but an example of something the committee could look at is remote voting for Indigenous communities. Instead of having standard election-day voting with a polling booth open for 10 hours, plus postal and pre-poll voting like other communities, some of the Indigenous communities that have pre-poll voting have a limited period of maybe five or six hours of voting. The commission staff arrive by plane, set up a polling booth, people from the community vote and the commission staff move on to the next location. However, some of those remote communities are actually larger than some of the communities in the wheatbelt that get the full 10-hour standard election polling booth. I am not arguing against the wheatbelt getting the polling; all I am talking about—I acknowledge the commission has looked at this—is how we can make the same opportunity for voting available for remote Indigenous communities. That is an example of something that a joint committee on electoral matters could review after an election. I acknowledge the work that the commission has done and the fact that it extended full-day voting to a couple of the remote communities in the north. It is very important that we understand that the lowest voter turnout in the state is in the electorate of the Kimberley. I do not remember the exact figure, but I think the turnout for the Kimberley is 63 per cent compared with probably around 90 per cent for an electorate such as Cannington. That gap is a democratic deficit and we need to consider how we can increase the number of people voting in those remote areas, because that is part of being a democracy. In my inaugural speech I made the point that I do not care whether people vote Liberal, Labor, Independent or anything else. I just want them to vote, because the larger the turnout, the more legitimacy a government has. I think that is a very important issue and it is the sort of thing that could be looked at by a

joint committee on electoral matters. As I say, it could run for just a year or perhaps 18 months or a maximum of two years, to review how the election went.

I also think it is time for us to review the disclosure system in Western Australia. There are two separate issues regarding disclosure in Western Australia. The first is the post-election disclosure. Candidates in political parties have to disclose all the money they spent on an election in a limited number of specified categories. Post-election, all candidates or their agents and political parties that participate in an election get a form from the Electoral Commission that they are required to fill in. It does not ask where the money came from; it asks the total amount spent in certain categories. That is then tabulated by the commission and published as a report. It provides a voyeuristic story for the media, but it does not actually deal with the most important part of electoral funding, which is the source of the money. There is a separate procedure for dealing with the source of the money, which I will talk about in a minute. I have said previously—again, this is something a committee could look at—that I do not think that that post-election report serves a purpose. One of the problems is that there are, I think, 28 days after the election to do that report. The commission staff will probably correct me if I am wrong. Maybe the 28 days is the closure of the expenditure period; anyway, the report has to be done very soon after the election. From my time as state secretary of the Labor Party, I know from talking to other parties as well as my own party that complying with the rules is difficult for all parties because information sometimes has to be provided after an election has been lost and it can be quite difficult to get it all together. I make the point that many political parties require the candidates to make the party agent their agents because there are two separate, parallel procedures, one of which is an imposition on parties and the other an imposition on candidates. Whether or not someone is a party-endorsed candidate, they still have to provide the form to the Electoral Commission, usually through an agent, and usually the agent is the agent of the party. Therefore, it is not as though the party agent can just look at the records of the party, because often money is spent separate from the procedures of the party, which is perfectly legitimate, but it has to be reported by the tight time line, and it is a hassle. The problem I have with it is that I do not think it educates the community about anything important.

In addition, there is a procedure for disclosing where the money comes from, and I think this is a critical issue. Under the Electoral Act is a system called deemed compliance. If a party is registered under the state Electoral Act and the commonwealth Electoral Act, compliance with the commonwealth act is deemed to be compliance with the state act. Each year an official of a registered party under the federal act—the Liberal Party, the Labor Party and the Greens et cetera—does a return for expenditure and income, and provides the return to the Australian Electoral Commission. A letter to the WA Electoral Commission is then prepared indicating that the commonwealth return is attached. Even though the party has not complied with the state act because the state act reporting rules are different, it is deemed to have complied. That is the system we have and it is good that it saves the parties from needing to employ a team of people to complete the bureaucracy, and having been a party secretary, I know that there are not a lot of resources, so it is welcome. However, the problem is that the disclosure limits under the commonwealth act are very, very high. I think to comply with the state act, the limit before requiring disclosure is about $1 400 or $1 500, which is an amount that was indexed from some time ago and will continue to be indexed in the future. As I say, I do not remember, because it did not apply to us. The limit of $10 000 for a commonwealth registered party was introduced in the 1990s and has been indexed; I think it is about $11 500 now. Any income below that amount is not disclosed, and I think that is a weakness. The other weakness is when the disclosures are made. At the moment, one return is provided annually in October for the financial year finishing in June. It is then processed by the Electoral Commission—the state commission releases it basically on Boxing Day and the federal commission releases it in February. The federal commission needs time to process it because it has its own procedures to verify the information that has been provided, because donors also have to make returns and the returns from the donors have to be matched to those of the parties. An audit will also be done and often, human beings being what they are, returns are wrong and need to be amended. On the commonwealth Electoral Commission's website is a series of perhaps two or three amendments, although some parties have 10 or 12, which I think is interesting. The problem is that that means that the disclosure is happening potentially 18 months after the income is received. In the United States, disclosures are made monthly. We have a different culture in Australia for political donations, but perhaps quarterly would be appropriate in Western Australia and Australia more broadly. The $11 000-and-a-bit limit is incredibly high. If we look at the disclosure returns for both major parties, we see that the donors' names rarely go beyond one page because most donors are donating below that threshold. That is before we get into the question of laundering donations through the types of front groups that have come up in respect of the Free Enterprise Foundation and other Liberal Party fundraising fronts in New South Wales. I could be wrong, as there may be one larger, but from memory and from the returns I have checked out, the 500 Club in Western Australia is the single largest donor to the Liberal Party, yet the 500 Club has never disclosed any source of income. At the moment the system in Australia is not working well because there is effectively no disclosure.

There is a culture of disclosure in the United States. In the lead-up to the 2004, 2008 and 2012 presidential elections, I was on Democratic Party email services from the US. The Democrats would say that they have a

disclosure return coming up and they want to ensure that their disclosure return looks big. They pride themselves on disclosing information. They say that it is part of campaigning to show that the candidates they are backing are worthy of support in the community. Over here, we try to hide who is giving the money by avoiding disclosure and doing it behind closed doors and through fundraising vehicles et cetera. In the United States, they do it all out in the open and there is a bucketload more money—there is another word I could use!—available for campaigning in the US per seat than is available here. I was very lucky to do a tour of the US in 2002 for the midterm elections. Seeing the money that was sloshing around the system in 2002 was amazing because since then there have been two Supreme Court decisions in the US that have unleashed even more money. Up until those two decisions in the US, expenditure on campaigns was capped. The effect of those decisions in the US is to uncap the amount of money that can be used on political campaigns. The candidates are still capped but third parties can now spend unlimited amounts of money, and they are doing so. The challenge for those in the US is about that question of disclosure. The non-candidate, non-party expenditure by these third special interest groups does not have the same disclosure regime as applies to the parties and to the candidates.

In Australia, we do not have a long history of third party spending on election campaigns. The campaign against the mining taxes was probably the first one in Australia. The Liberal people would obviously point to the Australian Council of Trade Unions' campaign in 2007 about WorkChoices. These events are not the rule in Australia where most of the money is spent by the parties themselves. Even if they are running a negative ad, it is authorised by the state director and the state secretary. The idea of third parties getting involved is relatively new. We will have to see how that develops in the future. The Electoral Act recognises those third parties and deals with them but we will have to see how the disclosure rules can go with them because it is obviously very important that that is all done in public. It is interesting that in Australia we do not have any restrictions on foreign donations whereas that is completely outlawed in the United States. We are not as nationalistic as they are in America with their electoral system; we are much more open. It is also interesting that the largest single donation to any political party from any one source was to the Greens from the guy who set up wotif.com.au. That was always a topic because obviously certain parties in the community, such as the Greens, like to accuse the major parties of being beholden to a donor.

I wish to make the point that transparency is the way we protect the democratic process from being undermined by unreasonable demands of donors. I think I have said before that in the 10 years I worked in party office, including the seven and a half years I was state secretary, only one guy said he would donate money if we did X. That was an ordinary farmer from the hills. I had to explain to him that that is not the way it works. It comes as a surprise to people when we see the amount of money that is sloshed through the Labor Party that nobody ever asks for something out of the money. How do people know that is true? They know by it being disclosed. The way to protect the democratic process is by more and quicker disclosure so that temporally—within three months of a donation being received by the Labor Party—it is publicly reported. It is just the same now with the Liberal government, by ensuring that there is no connection between donations and decisions. That is a corrupting influence. It is a very important issue.

It is also important that we think about some of the amendments that we could make to the electoral system to improve the operation of the procedures. I note that in New South Wales there is a limit to the surface area that one is allowed to cover on election day. I do not remember what the limit is; it is relatively modest. If we want to wrap the polling booth in bunting, that is what we can do or if we want to do it with posters or whatever it is, we can, but the surface area covered by each of the parties is limited. Many people in the community would think that that was an improvement to the current arrangement. Another restriction in New South Wales is that it is not for the Electoral Commission to decide whether the information given out on election day is accurate but it has to be provided to the Electoral Commission on the Thursday before the election. That way, there cannot be a surprise on election day. For example, a third party how-to-vote card cannot be distributed as a surprise on election day. There can still be a third party but it would have to be shown to the commission two days before the election. I think that is a very good idea for improving the way we operate on election day and is something that we could include in the reviews done by a joint committee on electoral matters, as I suggested earlier. There are always ideas about how to improve the system of government. The Independent Commission Against Corruption hearings in New South Wales are just another demonstration of the issues that we all need to keep in mind. Sometimes it is presented as if there are problems on only one side of politics. It is interesting that in the whole time of the Corruption and Crime Commission's inquiries into the Labor Party, it showed that there had been no improper behaviour by any member of the Labor Party at all in our fundraising and disclosures. I am looking forward to seeing the final reports from ICAC in New South Wales to see whether the Liberal Party of New South Wales can come to the same position or receive the same green card that was given to the Labor Party here in Western Australia, because clearly we have seen from the questions about the Free Enterprise Foundation and other fundraising vehicles that the Liberal Party has been apparently—according to the evidence of ICAC—using to launder unlawful donations through to its state party. It is interesting to note that in New South Wales, when the former Labor government was in office, there was great concern about donations

from property developers. Much of this concern was not aimed at state politics but rather at local government. Remembering that in New South Wales, many local government candidates have political party endorsement, both in the Labor Party and the Liberal Party and in others such as the Greens et cetera. They banned donations from property developers in New South Wales to try to end the link between specific donations and specific decisions in the property sector. I am not sure that that is the same type of problem we have here in Western Australia, but, again, it is something that is probably worth considering.

It is also interesting to note that in New South Wales, the incoming Liberal government banned donations from entities. New South Wales law said that only real persons on the electoral roll could make political donations. This is a matter that was then taken to the High Court, and the High Court determined that that was a restriction on free speech, going back to the 1980s when it made a very important decision about restrictions on television advertising. Although that suggestion of limiting donations to real persons enrolled on the electoral roll is probably worth considering, it is no longer open to us because the High Court said that that is not a restriction that we are able to include. The other issue with that is if we restrict it in any one state, the problem is that people could then still make the donations in another state or to the commonwealth entity of someone's political party. Instead of donating to the Liberal Party of New South Wales, someone can donate to the Liberal Party's federal secretariat. The federal secretariat would not be able to spend that money on campaigning in New South Wales, but it could spend it on an allowable activity in New South Wales; for example, that money could pay for a receptionist at the Liberal Party's office, and the money otherwise used for that receptionist position would then be used for campaigning. There are ways, if people do not act together, of getting around these types of laws. Disclosure laws are a bit different because we need to make sure that the commonwealth disclosure laws are internationally best practice, because clearly our current disclosure laws are a long way from world's best practice. As I said, most of the major parties—the Labor Party, the Liberal Party and the Greens, are registered in the commonwealth system and have deemed compliance to the state act rather than actual compliance. Because of that, whatever the commonwealth rules are, they are the ones that apply, and they are a long way away from world's best practice, and we should happily start to consider improvements to them.

Sometimes suggestions are made about a fundraising cap, and that is to say political parties are limited to a certain amount of money. I do not support fundraising caps because I do not think they work. I believe they actually encourage third party campaigning. There are two bad things about fundraising caps: either the cap is so high that it is irrelevant and nobody ever gets to it or it is effective and people then think up innovative ways of getting around the fundraising cap. The best and easiest innovative way is to set up a third party entity and have the campaigning done on someone's behalf rather than strictly by oneself or one's political party. It is not that I am against the concept of limiting maximum expenditure on campaigns; it is just that I do not think we can write a law that deals with the problem and eliminates it. That is why I still think we get back to the question of disclosure and making sure people know where the money is coming from and being able to see it disclosed at regular intervals so people can make their own decisions about whether there is any connection between a specific donation and decisions of government.

I talked about income caps; I will now talk about the idea of expenditure caps. They have expenditure caps in the United States. They are connected to their public funding system. If someone wanted public funding—this is how they got it in, I think, in the 1950s—the person had to agree to limit his or her expenditure. People also had to disclose. Basically, they gave dollar for dollar; for every dollar raised, they gave a dollar. The scheme was so generous that all parties went into it. Of course, the re-election campaign for George W. Bush in 2004 was the first campaign in which he turned down government funding because he could raise so much money that he was actually able to raise more money than he could have if he had used the regulated system. He still had to disclose, but he did not get the matching funds from the government. As he turned down the matching funds, he was actually able to fundraise more. It was the first billion-dollar election campaign in the US. It was just amazing. Of course, it was post-September 11 and there was great feeling for him. As I said, I was in the US in 2002. I went to a Republican Party campaign event with 13 000 people at a basketball stadium in Tampa, Florida. I was there with a bunch of other Australians on a state department tour with some diplomats and other dignitaries. We were in our own little section. There were 13 000 George W. Bush supporters in the room, and it was just mind-blowing; I had never been to a political event like it. It was just extraordinary. I imagine that if I had been to a Democrat event, it would have been energising as well. Mr Acting Speaker (Mr I.M. Britza), I imagine you would have been very impressed with the speaker list. The first speaker was George P. Bush—that is Jeb Bush's son. Of course, Jeb Bush is married to a Mexican woman, so George P. Bush is said to have movie star looks, and he introduced Norman Schwarzkopf, who was the second speaker.

Ms M.M. Quirk: "Stormin' Norman"!

Mr W.J. JOHNSTON: I think "Stormin' Norman" was supposed to introduce Jeb Bush, but all of us there in that little special section thought he might have forgotten, because there was this delay, and then Jeb Bush came out to speak, and then George W. Bush came out and spoke. George H. Bush was with his wife in the audience,

but they did not speak. They were on the stage behind the speakers. It was an amazing event. It is interesting because that is what they call a get-out-and-vote rally relating to voluntary voting. Here in Australia we concentrate on the voters who change their minds. In the US, they concentrate on their own voters to try to get them out. The campaign was trying to convince those 13 000 people that there was a reason to get out to vote—and this was midterm. Jeb Bush was up for election. We also met this woman who was a Republican who was the candidate against Jeb Bush in his first primary. She lost to him in the governor's race. He then went on to lose to the incumbent Democrat governor, and that delayed his entry to the governorship by four years, which put him behind George W. Bush, who was running in Texas two years later. Many people in America at the time were suggesting that if Jeb Bush had got elected first when he ran the first time, it would have been him, not George W. Bush, who ran for the presidency when Clinton was term limited.

So it was a remarkable event, but it is a different issue because here we are not pitching to our supporters; we are pitching to the people who have yet to make up their mind. We all know that the party affiliations in Australia are getting weaker and weaker. The swings are larger. The largest swing in the state's history was in 2001 when Geoff Gallop was elected; he had a 14-seat increase in his margin and he lost the seat of Kalgoorlie, so there was a 13-seat change in numbers. Of course, Premier Barnett had a big swing in —

Mr C.J. Barnett: In 2008.

Mr W.J. JOHNSTON: In 2008 very few seats changed hands; it was mainly new seats that fell to the Liberal Party. I was going to point out the 2013 election, Premier, because that was when seats changed hands. Eight new seats were created in the metropolitan area for the 2008 election. The media and perhaps I and others may have thought we would have had a better show at holding some of those, but the result was very, very close and only a small number of seats changed hands. The 2017 election will be interesting. The Labor Party needs to win 10 seats and have a nine per cent swing to win the election. That is not impossible, but it will certainly be a tough ask. I will not make further comment on that.

Mr I.C. Blayney: Feel free, member! Tell us all you think you know about 2017. We're keen to hear what you've got to say.

Mr W.J. JOHNSTON: The community will make up its mind. The great thing about democracy in this state is that not a single person knows what will happen. Every election can be won; every election can be lost. The Premier, the Minister for Planning and the Minister for Health were all ministers in the Court government. I do not think many Court government ministers spent Christmas Day 2000 thinking that they would be in opposition in February 2001. Roleystone, which was replaced by the seat of Serpentine–Jarrahdale, had a 13 per cent swing. The Labor Party spent about five grand on the campaign for Swan Hills and we won the seat with a massive swing. We never know what will happen. We had a red-hot go at Roleystone and we won. In Swan Hills, Jaye Radisich was a great candidate. She worked hard, but she did not have much backing. It was not as though it was on the target seat list, yet she came in a big winner. We never know what will happen. The first member who thinks that they are safe is the one who will lose. No government or seat is safe. We are only as good as the service.

Mr D.J. Kelly: You're giving them too much good advice. You can smell the complacency.

Mr W.J. JOHNSTON: I am happy for them to be complacent. I do not want to get into a bloody match across the chamber but I suggest, member for Bassendean, that this government has become a bit complacent. The fact that so often in question time and at other times Liberal Party members on the back bench scorn the Labor Party and our chances in 2017 is an interesting issue for all of them.

I will return to the Electoral Amendment Bill more specifically, as opposed to the general issues that I have been raising about the Electoral Act 1907. We moved a series of amendments in the other house. I am indebted to the clerks for helping me get those amendments in order so that I can move them when we reach the consideration in detail stage. I have provided a copy of the amendments to the Leader of the House so that everybody knows what we will debate. We look forward to that debate.

We do not have a problem with giving the commissioners extra time to do their work; we understand exactly their needs. We agree that those needs have been demonstrated, so we support that. We think that that will make it harder for candidates, so we will seek to amend section 16E to replace "2 years" with "18 months" so that the work of the commission starts earlier. We will oppose the freedom of information changes and we look forward to a debate on the question of communication. As I said, we will make a few comments at that point.

I think we have made our position very clear and we were very clear in the other house. We do not think that the government should be surprised that this is what we are doing. This has been the decision of the caucus and we are all happy to support that position. We look forward to getting into consideration in detail and moving those amendments.

MS M.M. QUIRK (Girrawheen) [5.16 pm]: The member for Cannington has summed up the Labor Party's position on the Electoral Amendment Bill 2014 and he has stolen my thunder with a number of the remarks that I intended to make. Thankfully for everyone here, that means that my remarks can be shorter.

This bill seeks to do three things. It seeks to confer on the Electoral Distribution Commissioners an extension to their range of powers so that they are equal to those of royal commissioners. It seeks to exempt the Electoral Distribution Commission from freedom of information applications. It also seeks to extend the time frame for settling redistributions.

As members have already heard, the commissioner will be exempt from FOI applications, which is something to which I am vehemently opposed. The rationale for this is that the commission will be besieged by so many FOI applications that it will be unable to meet the time frame and, therefore, should be exempt from the legislation. My view generally is that if we want an open and accountable government, FOI should apply in all but the most exceptional circumstances. It does not bother any other government agency subject to FOI when they are late and do not comply with freedom of information deadlines. It is invariably the case that a week before an FOI is due I will get a phone call asking for an extension. It is not the exception but the rule. Most government agencies to which I make FOI requests probably look at the matter only a week or so out from when it is due and then ring with some feeble excuse for wanting an extension. If it is a question of the Electoral Distribution Commissioners thinking that they cannot comply with the time frame, that, in my view, is not a good enough ground for exemption. I think that the point that the member for Cannington made is valid; these matters involving electoral redistribution are of high public interest and should be made public in any event. As a matter of general principle, we vehemently oppose any exclusion of the commission from freedom of information applications. Freedom of information is already, frankly, honoured in the breach and some of the refusals are risible and certainly not consistent with the provisions of the legislation. We will certainly move an amendment on that issue.

There are two other issues. The first relates to extending the powers of the Electoral Distribution Commissioners. The second reading speech states that there are doubts surrounding the commissioners' legal powers, and despite some questioning in the upper house by Hon Kate Doust, the problem is not clear. What issue have the commissioners come up against that has impeded them doing their work? I think that really needs clarification. I am not sure what the problem is. We are expected to pass legislation when we do not know what mischief we are trying to achieve. That is the second issue that I think needs clarification by the government.

The third issue relates to the tight time frame for redistribution; in other words, it needs to be stretched out. As the member for Cannington said, there is currently quite a short time between when a redistribution is finalised and when an election takes place. Any amendment that will stretch that out even further, or make the time frame shorter, is a concern. Despite legislation for a redistribution at every election, which Labor brought in, in my view a redistribution before every election is less than desirable. There is a real issue in the electorate about constituents knowing what electorate they are in, and then there are changes. For example, there have been three successive members in three successive elections in one part of my electorate. Although some of my constituents know what federal electorate they are in, they are usually one or two members behind who their state member is. In most cases they are not aware who their state member is. We all try to service our electorates well, but we really have one hand tied behind our backs when there is such a massive redistribution before every election. I must admit that in my case, my electorate had one of the most significant redistributions of any before the last election. That is an issue.

We might also consider the naming of electorates. The larger an electorate becomes, the more there are problems with people identifying with a particular suburb name. Some people in my seat are actually unwilling to believe that they are in the seat of Girrawheen because they are some distance away from it. When I tell them that they are in the seat of Girrawheen, they will not believe it. They do not have any problem being in the seat of Cowan, but they will not believe they are in the seat of Girrawheen! I have to break the news softly. That is a real problem. There are lots of Western Australians who we would like to honour in some way or another, such as the Premier did with the naming of Yagan Square. Obviously it is not appropriate in this bill, but it might be appropriate to consider, down the track, renaming our electorates so they are not necessarily associated with the suburbs, because that creates some level of confusion.

On the last occasion there was an electoral amendment bill before the house, I raised the question of a joint standing committee to look at electorate affairs. As the member for Cannington said, such committees exist in a number of other state jurisdictions. In fact when the WA Electoral Commission appeared before the Community Development and Justice Standing Committee after the last state election, as Mr Acting Speaker (Mr I.M. Britza) would be aware, the commission indicated it was the first time in many years, if at all, it had appeared before a parliamentary committee. The Community Development and Justice Standing Committee of course has something like 17 areas in its portfolio. It would be keen to explore a number of electoral issues with the

Electoral Commission but that would be to the detriment of a range of other areas that we are required to examine from time to time. There is some merit in a separate standing committee to look at electoral affairs.

I think there needs to be a major overhaul of disclosure laws. For example, it is absolutely ridiculous in this day and age for journalists, between Christmas and New Year, when the disclosure returns are released, to be required to visit the Electoral Commission to get a hard copy. They actually have to attend the Electoral Commission. The commission itself has complained that it means opening up the office between Christmas and New Year. Why that information cannot be online, I am not sure. In some cases the disclosure returns relate to almost 18 months since the donation was made. In terms of accountability, there needs to be a much closer nexus between disclosure and when donations are made. As happens in a number of states in the United States, monthly returns are lodged electronically and are accessible to the public. There is some basis for having a look at disclosure laws more generally to bring them up to the twenty-first century. Frankly, I think a money launderer would be pleased with how slack some of our disclosure laws are and how they are easy to evade, if there is the will to do so.

The other thing about redistribution is that the population estimate for a particular area is made quite a long way out from an election. The projections are based on actual enrolments. There is quite a disparity, from my experience, between the number of people who turn out on election day and the 18 months or so when the commissioners look at the size of an electorate. There is some merit in having more accurate ways to assess population growth.

As the member for Cannington said, the opposition takes issue with some aspects of this bill. I particularly want to have a greater understanding of the current impediments to the commissioners undertaking their job and why they need the powers of a royal commission. If there is a good reason, I am sure we will support it, but it is not adequately articulated anywhere. It is a matter of fundamental principle to the Labor Party that government be transparent and open. As such, the opposition does not want to see areas excluded from freedom of information disclosure and scrutiny. We will be moving amendments to that effect.

MR D.A. TEMPLEMAN (Mandurah) [5.28 pm]: I would like to make a contribution tonight to the debate on the Electoral Amendment Bill 2014. I have listened with interest to the members for Cannington and Girrawheen. It is important to be given the opportunity to discuss electoral matters through amendment bills. I think this is the second time in this term of government that an amendment bill has been before us.

I will pick up on a couple of points that were made. The first is the redistribution cycle. I agree with the member for Girrawheen that the move to introduce a redistribution cycle every electoral cycle was a poor decision. One of the problems with a redistribution cycle every electoral cycle is that two years into a term, a particular seat could be significantly changed. That in itself creates a range of issues. There is no doubt we need a redistribution process that looks at, at an appropriate time, the electoral representation, but to have one every single cycle is a concern. I do not think it assists people who are new to an electorate to understand which seat they are in and who their local member is. Given our history of electoral redistributions, I would be interested to know the statistics for the net number of people who have changed.

In my electorate of Mandurah, the election of 2001 was based on pre-one vote, one value principles. That was the first election I successfully contested, and from memory I had an electorate of about 12 800.

Mr D.J. Kelly interjected.

Mr D.A. TEMPLEMAN: That is right.

The one vote, one value legislation was subsequently passed by the Parliament, and the 2005 election was the first in which that principle was enshrined. A result of the one vote, one value legislation was a significant increase in the number of electors in the Mandurah electorate for the 2005 election and new, more natural boundaries that were much more conducive to issues of community interest. Previously, the electorate had a quite convoluted boundary to fit in with pre-one vote, one value requirements.

In the 2008 election a significant part of the Shire of Murray came into the Mandurah electorate, including the localities of Furnissdale and Barragup, which are in the western part of the Shire of Murray. These are predominantly rural localities, with some population concentrations along the river in Furnissdale; the rest of the population of those areas is made up of people living on five or ten-acre rural blocks. The inclusion of that section of the Shire of Murray was significant for the electorate of Mandurah. It also highlighted the ongoing debate the Premier and I have had over a period of time about the regional nature of the City of Mandurah. We have often had exchanges about the status of the City of Mandurah in terms of regional versus metropolitan.

In the lead-up to the 2013 election, the Electoral Commission issued a draft report in which it proposed that the electorate of Mandurah be divided in half. The electorate of Mandurah is composed predominantly of the north and north east of the City of Mandurah, and it was proposed that that would become part of the South Metropolitan Region. However, it was proposed that the adjoining seat, the seat of Dawesville, remain in the

south west. The Liberal Party's submission to the Electoral Commission in the lead-up to the 2013 election was even more interesting; it proposed to include in the electorate of Mandurah the southern Rockingham localities of Singleton and Golden Bay, and to hive off areas to the east of the electorate of Mandurah, including the localities of Greenfields and Coodanup, to the adjacent electorate of Murray–Wellington. It was quite a bizarre submission.

This comes down to the issue of identity. Luckily, as the result of a number of submissions, the commissioners quite rightly recognised that the City of Mandurah should not be divided in two, creating one seat in the south metropolitan region and another in the south west. They recognised that there was no sense in doing that, and that both Mandurah seats should remain in the south west. Had the commissioners gone with the original proposal, we would have had a ridiculous situation in which, under the Electoral Act, someone living on the southern side of Pinjarra Road would be in the south west, while someone living on the northern side of Pinjarra Road would be in the south metropolitan region. We would also have a situation in which a clearly rural-identified area would be in the metropolitan region—that is, the western part of the Shire of Murray. It would still have been in the seat of Mandurah because the boundary would be the same, but part of the south metropolitan region. It was actually illogical.

My view was that we could not divide Mandurah in half, with one half in the south metropolitan region and the other in the south west, and that instead we should go either all-in or all-out. It has always been my view, and I will continue to advocate it in this place until the cows come home in Furnissdale, that the City of Mandurah is, by act of state Parliament, a regional entity. Until the government brings in legislation to propose otherwise, I will continue to advocate that from here on in, regardless of whether some members think I am simply a fringe dweller on the edge of the metropolitan area. Identity and the drawing up of boundaries are actually important issues for the community. When we make determinations about communities of interest and natural boundaries, the first thing we should do is to ask the people where they see themselves. Making arbitrary decisions based only on numbers is a slap in the face for people who have their own views about their identity.

There will be a redistribution, and I will be very interested to know what the commissioners propose for Mandurah. There is the potential that they will propose an expansion further east, taking up more of the Shire of Murray; they may instead revisit the concept of absorbing Mandurah into the metropolitan area by stealth. I think the existing statutory boundaries, set out under the metropolitan region scheme, should prevail. They should continue to be a determining factor for the Electoral Commission. Until the current government proposes to do otherwise and brings an amendment to the metropolitan region scheme that proposes to include Mandurah in the metropolitan region, the status quo should remain and Mandurah should continue to be a regional seat and be identified as such.

The naming of the seats was an interesting point made by the member for Girrawheen. The former member for Dawesville Arthur Marshall was always conscious of the difficulties of a seat being named after a single locality within the wider seat, as Dawesville is. Moving from north to south, the seat of Dawesville encompasses the localities of Coodanup, Mariners Cove, Halls Head, Erskine, Bridgewater, Seascapes, Falcon, Wannanup, Bouvard, Dawesville, south to Herron, and further south to the northern part of Preston. They are the lineal localities identified within the seat of Dawesville, but the seat of Dawesville is named after one of those localities. I used to agree with what Arthur Marshall said. From memory, Arthur Marshall put in some submissions when he was the member for Dawesville requesting that the southern Mandurah seat actually be named "South Mandurah". I think he was trying to fly on my coat-tails, of course. Having been an outstanding member for Mandurah, he was hoping to fly on those. Arthur used to call me "the apprentice". He said, "I see you as my apprentice."

Mrs M.H. Roberts: He also used to have a story about the old bull and the young bull.

Mr D.A. TEMPLEMAN: The old bull and the young bull; that is right.

When I first got in he said, "Young fella, come here; just you watch what I do and you will be okay." So I went and did everything the opposite way, of course! Arthur and I got on very well; we very rarely locked horns publicly. Although the current member for Dawesville and I have a few issues and altercations, we rarely lock horns locally because, quite frankly, I think we made up our minds that the local people do not want to see their local members of either political persuasion having a go at each other. I think people there recognise that both of us are there on different sides of politics, but we are both trying to do what we can for our seat. Arthur Marshall, as a former member for Dawesville, highlighted the need for the name of his seat to be more relevant, such as "South Mandurah". He actually proposed, I think in one or two of his submissions to the Electoral Commission, that the name of the seat be changed to "South Mandurah". In his view—I think he was right—Mandurah, over the past 15 years, has been divided north–south into two seats. When I contested Mandurah in 1993 as the Labor candidate —

Mr W.R. Marmion: A baby!

Mr D.A. TEMPLEMAN: I was a baby, alright! I had more hair then, but I was green as grass. I will always remember knocking on my first door. They told me I was going to win in 1993, and I was certain I would. I remember going to the first door—I still remember the street and the door—and an older lady came to the door. I said who I was, and then she went into a great flurry and started calling out to her husband, "Reg! Reg!" It was one of those houses with a long passage and he was down the back. She was calling out, "Reg, hurry up! There's someone here! Reg!" I was standing there, and out this bloke came. Well, did he give it to me! "The Labor Party's useless! Look what they've done! They've gone and done this and you're standing at my door! How dare you come in here!" Do members know what it feels like to have had their eyebrows singed? I remember backing down the front path, still holding my card in front of me, waving it as a shield. He was still abusing me, and I remember we got to the front gate and he did not finish abusing me until I got onto the road—he forced me onto the road—and I stood there saying, "What have I have done?" But I prevailed some eight years later. The naming of the Dawesville seat is an important issue.

As has been highlighted by the members for Cannington and Girrawheen, some amendments have been proposed by the opposition. I would be interested in the Premier's response to hear his views about the proposed amendments. Obviously, they will be put forward by the opposition as appropriate amendments to the Electoral Amendment Bill 2014.

I finish with those comments; I hope Hansard did not get too shouted down there. By the way, I think that that couple—Reg and his wife—is now no longer with us, unfortunately. As the member for Collie–Preston has said on a number of occasions, some of us who rely on the support of older citizens in particular watch the death notices quite closely. When Reg's appeared, I certainly knew where his sat in terms of his political support. I am interested to hear the Premier's response to the proposed amendments, and of course his strong support for the seat of Mandurah and the seat of Dawesville remaining in the south west, as they should, as part of the state's largest city outside the metropolitan area.

MR C.J. BARNETT (Cottesloe — Premier) [5.48 pm] — in reply: I thank members for their comments on the Electoral Amendment Bill 2014. I appreciate that although there is, I think, support for the broad objectives of the bill, there are, in particular, a couple of issues on which there is disagreement.

To again summarise: this bill is the result of a request made by the chairman of the Electoral Distribution Commission, Justice Neville Owen, following his experience in that position. It sets out, principally, to do five things. Firstly, it provides greater flexibility for consultation periods, to allow an extension of time if required. Secondly, it also proposes to allow the commissioners to be able to release what are called boundary consultation papers and reports, so that they can bring out information that they consider is in the public interest as they determine where the boundaries will be. Thirdly, it provides for the immunities of a royal commission; at present it acts as though it has royal commission powers, but it does not have the immunities that a royal commission enjoys. Fourthly, it provides an exemption for freedom of information, which I think is probably the major point of contention. Fifthly, it allows for the electronic publication of boundaries and other materials; I think everyone agrees with that.

The member for Cannington indicated in his comments what he agreed and disagreed with. Again, he made some points concerning the freedom of information, and also relating to the means-of-travel criteria. He questioned the extension of the consultation period on the grounds that it could make it harder for candidates. He then proceeded to provide quite an interesting commentary on the Electoral Act and some of the reforms he advocated. I recall him speaking previously, as he did today, about some of the problems related to voting in remote Aboriginal communities. He gave us an entertaining account of the US presidential elections, which I would I imagine is very interesting; I have never experienced one. I think the main point of difference was over freedom of information.

The member for Girrawheen again argued against exemption of FOI. She talked about some of the powers and the extension of time. She made a fair point that maybe we have too many redistributions and, therefore, there can be a loss of harmony between an elected member and their constituency, with people moving in and out of different electorates, along with each redistribution.

There was a bit of discussion about the naming of electorates. I think that is a fair point. I know that when I first stood for election a long time ago in 1990, my main opponent was the then Mayor of Claremont. I can remember knocking on doors, saying, "I'm standing for the seat of Cottesloe", and they said, "Oh, you're for Cottesloe and Peter Weygers is for Claremont." The biggest issue in the election campaign was to tell people that this was not in a local government election between Cottesloe and Claremont. That took about two weeks to get over. There were also suggestions again about having a joint standing committee on electoral affairs. I have a reasonably open mind about that, to be honest. I think that that is maybe something that should be discussed at some stage between the major parties. There may well be some merit in doing that. After an election, there is certainly a period in which experiences, and particularly things that did not work well, are very much in members' minds,

and I do not think that is a partisan issue. I think we should consider issues such as accessibility to voting for Aboriginal people in remote communities and other issues.

The member for Mandurah once again made a passionate plea for Mandurah to remain regional. That is fine by me, but I will continue to make passing comments that Mandurah is part of the suburban rail system; nevertheless, regional Mandurah may stay.

Mr D.A. Templeman: Thank you.

Mr C.J. BARNETT: I really do not have much to add at this time, because I think the two issues will be the question of immunities for this distribution commission, along the lines of a royal commission, and, in particular, freedom of information. That is probably a different point of view, but when we go into the consideration in detail stage, we will be able to fairly discuss those issues. I am not sure whether it is support for the bill, but I thank members for their comments. A lot of members have been drawn away from the spuds because they are very keen to join this debate.

Mr M.J. Cowper: To be fair, Premier, we have been working in our offices.

Mr C.J. BARNETT: Members have been working in their offices, not enjoying a chip or two!

Mr M.J. Cowper: We're going to have the spuds next.

Mr C.J. BARNETT: We all live and die by election campaigns. Our enjoyment of an election campaign generally depends on whether we are a winner or a loser, but they are exhausting experiences, particularly for members, whether they be Labor, Liberal or others, contesting marginal seats. The process of campaigning, doorknocking and fundraising is absolutely exhausting. I can look at members on both sides of the house who have been through that. I guess one of the great thrills in politics, party politics aside, is when a person wins a seat off his opponents. It is a major credential for any member of Parliament to win a seat off their opponent. It is something I have never had to do and probably never will have to do, but I have great respect for members on either side who go out and win a seat because it is no small effort. The public out there believes that we are fabulously funded by our parties and it is just a walk in the park. I know, from the experience of members on both sides, that many members fund their own campaign in reality; some take out mortgages against their home. It is an exhausting, time-consuming and expensive process.

My observation is that elections have been well run in Western Australia. There are issues from time to time in such a vast and dispersed state, but I think the Western Australian Electoral Commission has done a pretty good job. However, we need to be vigilant and make sure that we have good procedures in place so that elections are run in a full and fair way and that people, whether they be sitting members, endorsed candidates or individuals, have a fair chance to put their name forward and stand for election.

Mr Speaker, what else can I talk about? I could talk about your miraculous win in Mount Lawley. What a highlight of the campaign it was. I thought the Speaker might have a bit of a challenge, but no; he came through with flying colours. The Speaker and Bob Kucera were formidable opponents. They could out-talk each other. It was like a talkfest to the end. But the Speaker got there, as distinct from the member for South Perth —

Mr J.E. McGrath: It was the biggest margin in the whole of the state!

Mr C.J. BARNETT: South Perth is a bit like Cottesloe, but even I have not been able to achieve that. Everyone believed that the member for Darling Range had a safe seat. In 2001, the vote was —

Mr J.H.D. Day: There was a difference of 137.

Mr C.J. BARNETT: It was 137, and it was in single digits, I think, on election night. I agree with the member for Cannington. A member may think he is safe in a seat, and all the analysts might say that, but if a campaign goes wrong, or if the member has a strong opponent or someone sneaks up on them, they can well and truly lose that seat. Often, the loss of a seat can be something that happens outside the control of, say, a sitting member. Something out of left field may happen, and it can become a catastrophe. I had a near-death experience in Cottesloe once. It was not shown electorally, but some very distasteful, salacious material was sent electronically from my office to a member of the Labor Party. It related to a member who was basically being pursued by an individual who had extraordinary computing skills. He hacked his way into my electronic computing system and sent a message, which contained disgusting material, to a member opposite in the last two weeks of the campaign. Had that become public, I have no doubt that I probably would not have won Cottesloe. Fortunately, I contacted a candidate for another seat and said that there was no truth in that material and that it did not come from me. To their great credit, the candidate for the Labor Party made the comment, "I know exactly who that has come from", and immediately cleared the air; otherwise, I could have lost Cottesloe through not a random attempt, but a deliberate attempt to basically compromise the whole campaign and me as then Leader of the Opposition. I would love to tell more stories, particularly about Mount Lawley, but I have bored myself to death,

so I will sit down. I thank members for their comments, and we will explore those issues when we go into consideration in detail.

The SPEAKER: Before I put the question that the bill be read a second time, I wish to I advise the house that it is my view that the second and third readings of the Electoral Amendment Bill 2014 need to be passed with the concurrence of an absolute majority of the members of the house—that is, 30 members. My view is based on section 16M of the Electoral Act 1907, which states that a bill that alters certain provisions of part IIA of the act, which this bill does, requires an absolute majority to pass the second and third reading stages. In this case, I will follow the procedure used in determining whether an absolute majority is in favour of a suspension of standing orders without notice. Under that procedure, I will announce, when putting the question on the second or third reading, that if there is a dissentient voice, the Chair will divide the house. If there is no dissentient voice, I will count the members present and declare the question to be carried by an absolute majority.

So, the question is that the bill be read a second time. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 to 4 put and passed.

Clause 5: Section 16B amended —

Mr W.J. JOHNSTON: I am happy to get procedural advice in the next 60 seconds.

Mr C.J. Barnett: I think you're capable of filling in 60 seconds, aren't you?

Mr W.J. JOHNSTON: I do not know!

I have submitted two amendments to clause 5, and I assume I can deal with those sequentially, and then I am not precluded from debating the underlying clause; I can still go back and debate the —

The SPEAKER: That is correct.

Mr W.J. JOHNSTON: I move —

Page 3, lines 15 and 16 — To delete —

, protections and immunities

Sitting suspended from 6.00 to 7.00 pm

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.