

ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023

Second Reading

Resumed from 20 September.

MS M.J. DAVIES (Central Wheatbelt) [12.54 pm]: I rise to speak to the Electoral Amendment (Finance and Other Matters) Bill 2023. I am the opposition alliance shadow Minister for Electoral Affairs and was given this role by the Leader of the Opposition after the transition of leadership in the Nationals WA earlier in the year. I have been gifted two portfolios that have been very heavily featured on the legislative agenda recently. I think I have spent more time looking at legislation in the last six months than I have in my entire 15 years in this place, to be honest, outside of when the Standing Committee on Legislation had an inquiry into stop and search legislation that never saw the light of day after we completed said inquiry. It has been a pleasure to be involved in both those very challenging debates. I think this one has some challenges as well, which we will go through.

There are two very different portfolios, but each clearly bear the mark of this Labor Party and its arrogance that pervades all of its decision-making. Legislation that deals with the structure, form and framework of our electoral system has traditionally been approached in a bipartisan matter. Although the Labor Party may be ascendant and powerful at the moment, that will naturally change at some point and it will be in opposition, I hope sooner rather than later. It makes sense that when changes are made to our electoral system there is consultation with political parties across the floor and with organisations that sit outside Parliament that have an interest in the political landscape. Unfortunately, as far as we understand, there was no conversation with the National Party prior to the legislation being presented to the house, and neither with the Liberal Party, so we find ourselves about to debate a very lengthy and quite complex bill that will make significant changes to the way that the Electoral Commission will operate and the way it will require us to operate; changes to the way donations and disclosures will be made; changes to the way political material will be created, approved and disseminated; and much more.

This will be the government's second substantial change to the Western Australian electoral system within this term. Sadly, to me, it is obvious that the changes that have been brought forward are not for the betterment of the state; they are for the betterment of the Labor Party. This is about the Labor Party creating an electoral system that is favourable to its own re-election. It is all about the Labor Party and power. That is what the original bill on electoral reform was: the creation of a single state electorate in the Legislative Council, imposing one vote, one value and ripping regional representation from Parliament. That was just two years ago, when the Premier and the minister rammed legislation through Parliament that removed regional representation from the Legislative Council. We now await the outcome of boundary redistribution as a result of the changes to the legislation. There is a real possibility that there will be a loss of regional representation in not only the upper house, but also this place. That decision is yet to be made, but we know that the Labor Party's own submission to that review recommended abolishing the regional seat of North West Central. It is no wonder that we did not see it contest that by-election, because it knew that it would shortly thereafter argue that it needed to remove a regional seat from Parliament, and it was that very seat. It knew it would argue to slash the seat and reduce representation for the people of the Gascoyne, Pilbara and the midwest.

We are very grateful that the member for North West Central for the Nationals, Merome Beard, put up her hand and was prepared to fight for those communities. It was of deep concern at the time when dealing with the legislation that brought about these changes that instead of focusing on issues that matter to WA, such as the skyrocketing cost of living, the housing crisis and the health crisis when we were still dealing with the aftermath of COVID-19, that the Labor government chose as its very first order of business after the 2021 state election to silence regional voices in state Parliament and make significant changes to the way that people are elected to Parliament. Those far-reaching changes to our electoral system should have been put to the people of Western Australia so they could decide just how important it was to their community and future, but it did not. In fact, the government did more than that: it denied that those changes were going to be introduced. I ask rhetorically: does the government imagine that the people of Warren–Blackwood would have been so very generous with their support for the Labor candidate if she had shared the government's intention to silence regional voices in the Parliament and also shut down the forestry industry? Does the government imagine that the people of Albany would have been so supportive of the member for Albany if she had shared the government's intention to silence regional voices in the Parliament and destroy the very healthy and sustainable south coast fishing industry? Does the government think that the people of Kalgoorlie would have been so supportive of Labor's candidate for Kalgoorlie if she had shared the government's intention to silence regional voices and introduce changes to the Aboriginal Cultural Heritage Act that was so flawed that it needed to be scrapped weeks after its introduction? Does the government think that the people of the Pilbara would have been quite so keen to put a number 1 next to the Labor Party in the upper house if they knew that the Labor Party intended to silence regional voices in the Parliament and drag its heels on important infrastructure like the Tom Price Hospital, Paraburdoo Hospital and Meekatharra Hospital that the member for North West Central has been arguing for since she was elected? Does the government think that the good people of the

Agricultural Region, the region where my electorate is located, would have been quite so keen to put a number 1 next to the Labor Party in the upper house, as many did at the last election—there is no denying that—if they knew there was a plan to silence regional voices in the Parliament and support the federal Labor government’s ban on live exports? I could go on. There are examples in every electorate whereby had the Labor Party been honest and open with the people of Western Australia, I think there would have been a very different outcome. It is quite depressing. There is a fair bit of buyer’s remorse out there. There is no shortage of things the government has been disingenuous and deceitful about in its dealings with the public and the Parliament.

The former Premier denied again and again that the previous electoral reform bill was on the agenda prior to the election. He simply was not telling the truth because it was the government’s first order of business. He treated the public with contempt and disdain. The so-called expert committee was a farce. It was a group of academics who had been hand-picked because they were ardent advocates of one vote, one value, and to nail it down they were given very stringent terms of reference that basically gave the government the outcome that it wanted. The Premier and minister peddled the line that the reform was needed because we could not have a repeat of the Daylight Saving Party being elected to the Legislative Council with a handful of votes. I maintain that that was a disingenuous argument. Labor introduced that electoral reform legislation to change the way members of Parliament were elected to Parliament to benefit Labor. It is as simple as that. Now the Labor Party is doing it again. This time it has been dressed up as being open and transparent to prevent elections from being unduly influenced by those with access to power and money, but it is window-dressing; that is all it is. Remember that this is the same party that was led by a Premier who attended private dinners at the home of a major property developer where they drank \$1 000 bottles of wine. The Labor Party is the party that hosted dinner functions with prominent business leaders in the state that cost \$5 500 a plate. The Labor Party justified those functions as an opportunity to maximise dialogue with the business community.

Dr D.J. Honey interjected.

Ms M.J. DAVIES: It was to maximise the bottom line of the Labor Party. The state branch of the Labor Party raked in an unprecedented \$12.6 million in gifts and other income in the 2020–21 financial year. That is the biggest amount collected by any party in Western Australia in the past two decades. The Labor Party has 14 affiliated unions, all of which donate funds to the Labor Party for elections and campaigning, and none of which will be restricted in their fundraising or spending to assist the Labor Party to either retain or regain power. Everyone on this side of the house, and more and more people in the community, have seen very up close and personal how this government operates. It is gratifying that the public is awakening to the arrogance of this government. I think that COVID-19 masked it for a period, but leopards certainly do not change their spots, and the Labor Party never will. The calling card of the Cook and McGowan Labor governments is their arrogance, and that arrogance seeps through every tactic that we see played out on the floor of Parliament. That is what I want members to remember as we go through the detail of this bill. It will be dressed up as something that the government would like to hang its hat on to say that it is fiercely protecting elections and democracy, but it is actually about making sure that the Labor Party can hold on to power. It is pervasive and stinks of a government that is drunk on its own Kool-Aid and believes that it can do no wrong.

It really should not have been a surprise when the minister stood to read in this new piece of legislation that we had not heard or seen the intent to pursue these wideranging reforms, because we have become very used to this government treating the Parliament with contempt like a rubberstamp for its own agenda and paying no mind to the institution that we are a part of or the importance of the systems that are here for checks and balances to make sure that we get reasonable legislative outcomes for the betterment of the state. After six years, we on this side of Parliament have become used to having major reforms thrust upon us with just a moment’s notice. For the benefit of *Hansard*, although people will get some sense of this when we start the consideration in detail stage, this is a significant bill in its size and complexity. As I said, there has been no consultation with the opposition. We had briefings. I am not denying that the government offered a briefing to us, but that was not done in advance of when the legislation was introduced. Some members opposite will argue, no doubt, that this is normal practice. They will say that governments are elected and are free to pursue their own legislative agenda, but in the case of electoral reform there is a slight difference in the way parties on both sides have approached these types of changes in the past. In my view, it has traditionally been a bipartisan approach. I was speaking to Hon Peter Collier from the Legislative Council. He spent four years as the Minister for Electoral Affairs when we were in government. He relayed to me that the Western Australian Electoral Commission always stressed to him when he was the minister that if he wanted to make any changes to the Electoral Act or any of the framework that is used for elections, those changes should be worked through with the opposition of the day and the other parties. He certainly said that that was the consistent advice that the WAEC provided him, even for minor changes. The minister will no doubt proffer that there was a 2020 version of this bill. That is true. This government did bring a piece of legislation that does not look like the one we are dealing with today. The Standing Committee on Legislation produced a report. I think it was the last thing it did. It has not touched a piece of legislation in this term of government. The committee members are all being paid to

diligently sit around and have cups of tea. I am not sure they are doing even that. If the minister would like to take up the opposition's generous offer, we would love to see this bill go to the legislation committee when it gets to the Legislative Council, but I doubt that will be taken up.

The minister said in his second reading speech, and we were advised in the briefings, that there had been discussions with the WA Electoral Commission and the commission's interstate counterparts, but let me be clear once again that there has been no discussion or bipartisan approach with either the National Party or the Liberal Party. I am not being petty or political about this. These are the practitioners who will have to put this into place and will have to adhere to the rules that will be imposed as a result of this legislation passing through Parliament, which it inevitably will. There is no doubt that things could be learnt. I cannot believe that anyone thinks they are all-knowing on these matters without talking to the other political parties and seeing how this may impact on their roles and responsibilities. I am not suggesting that the government would change the outcome, but reaching across and asking for that advice prior to introducing this bill would have been a better approach. It is poor form, but that is consistent with how this government has conducted itself over the past six years. From my perspective, it is reasonable to ask why it would be important to discuss changes to the WAEC with the other political parties. I have just been through that. The reality is that there are elements of this legislation that will be complex to navigate, implement, monitor and police. We want a system that will make it easier for people to understand where the money is flowing and make sure that people cannot game the system. That is important if the professed outcome of this government is that we want an open and transparent electoral system. We need to make sure it is not overly complex and that the Electoral Commission can actually manage it. I have some doubts about that, certainly with the resources that it is provided with at the moment. I will get to that in a little while. I think this government has become so used to simply ramming through legislation that it has forgotten that consultation can improve outcomes.

I note that there are already amendments on the notice paper—not from the opposition, but from the government itself. Much like we saw with the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023, there are amendments to a bill that was introduced only a couple of weeks ago. The minister will say that at least one of those amendments has come about as a result of the briefing with the opposition, and there are others that I think have come as a consequence of going through the bill. Honestly, I would laugh if it were not so serious. Once is acceptable—the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 was quite a significant piece of legislation—but twice is a bit careless. We have seen, multiple times, government amendments to the government's own legislation. It is getting a little bit ridiculous.

Nevertheless, we will plough on. I turn to the genesis of the legislation. I mentioned before that in 2020 the McGowan Labor government introduced the Electoral Amendment Bill 2020. It was a far more modest bill, which contained provisions for the declaration of any donation over \$1 000. We never really got to the bottom of why \$1 000 was chosen. I see that has been replicated in this bill. There will be similar questions on that front. The 2020 bill also required quarterly reporting of gifts and donations. It had a total ban on foreign donations, which is something that the National and Liberal parties support, and there were expenditure caps for political parties and candidates. As I said, the bill was referred to the Standing Committee on Legislation in the Council, which reported back to the house in the forty-seventh report of the Legislation Committee, after which, the legislation never saw the light of day again. Apparently the government's commitment to openness and transparency waned in that term of government.

We now have a far different beast. This bill contains a provision for the declaration of any donation over \$1 000. A new, third-party campaigner category has been added. It captures entities that participate in a campaign, but do not run candidates. I think that is sensible, albeit we will see how it will work practically. There are new disclosure times for donations, which change outside of and within election periods. They are quite significant. We will go from weekly donation disclosures—it will not be real-time outside of an election period. During an election campaign we will see daily donation updates. There will be a total ban on foreign donations. Again, this side of the house supports that. It makes sense for us to have that aligned with the commonwealth definitions.

There will be expenditure caps on spending during the election campaign. I thank the Solicitor-General for the briefing about how those figures and caps were set. There will be an increase in public funding, which was certainly not in the original bill. That will mean that for every eligible vote that political parties or candidates accrue during a campaign, they will get \$4.40. They currently get \$2.26 for every eligible vote. The minister has made a fair bit of noise about the fact that we are still have the lowest public funding in the nation, but, certainly, there is an element of public funding and it will be increased by this bill. That sits in the context of a worsening cost of living crisis for many Western Australians right across the state.

There is a raft of administrative requirements that the government purports will make the system more transparent and streamlined. There will be a requirement for political participants to establish a state campaign account. I understand this is a feature of other jurisdictions; I know New South Wales has employed them. We see that electoral expenditure must be paid from those campaign accounts and funds may be paid into the campaign account. That will include funding for political contributions, subscriptions, electoral expenditure reimbursements, income and interest payments. We will have some questions about that during consideration in detail. There is also,

interestingly, under the guise of preventing the distribution of misinformation, the registration of how-to-vote cards. That will be required by candidates and parties and others prior to an election. I am all for reducing misinformation during campaigns. It is very challenging when people are disingenuous in the way they use social media or utilise tools that are supposed to assist voters make a decision about a very important part of our democracy, but I think the process is going to be a bit of a debacle. I say that as a former state director and campaign director for the Nationals, having been through the process at a very granular level in terms of timing and how things will be managed in reality—not just on a piece of paper in a bill allowing us to say that we are going to stamp out misinformation.

There is a new inclusivity principle to ensure that people who identify as Aboriginal or Torres Strait Islanders, persons from culturally and linguistically diverse communities, have a disability or are homeless, have to be given a reasonable opportunity to enrol and vote by the Electoral Commission. In principle I support that. There is absolutely nothing wrong with saying that we need to make sure that everyone is given the opportunity to vote. I was under the impression that Western Australian Electoral Commission already worked to that requirement. I am not sure how it will be held to account for that. I will be interested to know how it will be held to account for this particular principle—for example, whether it will be monitored, how it will be policed, whether there will be funding and resourcing to make sure that that dial can be shifted, because there is clearly an issue with allowing individuals from those cohorts to vote appropriately. It is one thing to say it, but it is another to provide for how it will actually work, and provide the resources to make sure it can be done appropriately.

There is a raft of modernisation reforms to reflect contemporary language. There are some real crackers in there. I think the bill was created in 1901, so there is some archaic use of language. I think for simplicity—we have no issue with that. I see there will be new enrolment processes. This will include allowing 16-year-olds to be provisionally enrolled—not to vote. That will take it back from the 17-year-olds, who are currently allowed to be provisionally enrolled. I have some questions around why we would need to enrol 16-year-olds on the electoral roll and the details that would provide. They are not of voting age. How will they be communicated with? What details will be provided to third parties? The roll can be provided by the Electoral Commission. In fact, it must be provided to anyone who goes into the Electoral Commission—you can find those details. We will have some questions about where the advice to include them came from. Was it from the Electoral Commissioner when the minister was seeking advice about this matter? Was it from other Electoral Commissioners, or was it from their affiliated entities or within the Labor Party itself? It certainly was not provided by anyone on this side of the house, and I am interested to understand why that has become a feature of this bill.

The other element I have practicality concerns with—again it is important to make sure we give everyone the opportunity to vote. At election times there are people who forget to enrol because they have had things going on in their lives. There is a provision that will allow people to roll up to the polling booths on the day of the election or at a pre-poll, as I understand it, from one of the amendments that has been put on the notice paper. If someone has been living in their electorate for a month and can prove that that is the case, they can enrol to vote on the day. That is at cross-purposes, because if we tell everyone that that is an option, we probably will not have the same authority when we are out there trying to get everyone to enrol prior to an election and do the right thing. I also think it might be slightly chaotic on the day. It is already pretty challenging on pre-poll and on polling day, without adding another level of complexity. Perhaps the minister will be able to clarify why it was so important to allow this to happen. We are not denying that people should be given every opportunity to vote, but I think there needs to be some agency from voters to be aware of the responsibilities they have. It is a responsibility. We are very lucky in Australia to have the agency of a vote and to be able to determine who our Parliaments are made up of and the government of the day. Although I think I understand why it is being done, I question its practicality, particularly at some of the busier booths, and some of the challenges that may be created in polling booths in smaller communities.

Political parties will no longer be able to process postal vote applications. This is a political tool that all political parties have used. As a state campaign director, it was the bane of my life and, I think, of other state directors in trying to coordinate and manage them. I lived in fear that I was going to fail to pass on someone's very important postal application to the Western Australian Electoral Commission. Someone from within the state secretariat office was assigned to make sure that they walked down to the Electoral Commission office every day. There are also added complications with regional voters because, I am sorry to say, Australia Post does not cover itself in glory from the swiftness with which it delivers said letters through the post. On this particular point, although I know that from a political strategic perspective some people in the backrooms will be saying that that is not something they want to see happen, I think it is a good outcome. On that front, we are not opposed to everything in this legislation, but the realities of campaigning mean that sometimes there are things that members of the broader public do not think about. From the perspective of a former state director, PVAs did my head in. I am not sure what other state directors think.

The period for early voting will now be 11 consecutive days before polling day, except Sundays. Thank you! Three weeks of early polling is enough to send us mad. Those who have tried to man polling booths will know this. It is lovely that people want to be involved in the political system, but I think it is a stretch. I am going to put this on

the record: it really disappoints me that the Electoral Commission has always held the view that the pre-polling period should be longer. It wanted to move to electronic voting. That has been canvassed in estimates hearings and other discussions in Parliament over the last six years and beyond. I am pleased that the early polling period will be defined and that it will not be left to the Electoral Commission. There will still be a long period prior to the day when I think everyone should turn their mind to voting, but I understand that not everybody can vote on the one day, so it is a necessity. Three weeks is too long. I think 11 days is much more sensible to manage the messaging, people's expectations and what happens in the run-up to polling day.

It is not the centre of the bill, but we are appreciative of the fact that the minister has listened to the feedback on the recognition of election campaign workers, who are quite often left without access to bathroom facilities and things that I think are just sensible because the Electoral Commission is not willing to engage in that particular aspect of polling day. Again, if its view is to engage more people in the political process, whether they are card-carrying members of the Nationals WA, the Labor Party, the Greens or whomever, we should probably give them the dignity of being able to access a toilet and some water on the day, because they are the people who keep elections, parties and political discourse going during the campaign.

New and increased penalties in relation to expenditure obligations will apply to political participants. The infringements that are being introduced are interesting. In the past, the Western Australian Electoral Commission has been quite reluctant to pursue infringements, and I will talk about that in a little bit. There will be questions about how it plans to manage, monitor and follow that up when the new penalties are introduced.

I have said from the outset that we support the foreign donations ban. There is no question that we are supportive of that. We also understand the need for the disclosure of donations. We understand that it is important for the public to know who is donating and how much is being donated to parties that are in government and that aspire to be in government and also to those players that sit in the periphery or insert themselves into the political discourse during or prior to campaigns. Perhaps the Nationals WA understand better than most the desire to balance expenditure by third parties that seek to influence the outcomes of elections for their own benefit. I note that the Chamber of Minerals and Energy has been used as an example. I did not hear that being bandied about when Brendon Grylls, as the then member for Pilbara, was at the receiving end of said expenditure by the chamber. There did not seem to be too much discomfort about the chamber stepping in during that campaign, but I note that six years later, there is a serious concern. Maybe that is because it might get turned on someone else.

Mr J.R. Quigley: It was one of the things that precipitated my decision.

Ms M.J. DAVIES: I can tell the minister that there was radio silence at the time. Nobody from the opposition at the time was making any public commentary about the appropriateness of the Chamber of Minerals and Energy spending millions of dollars in relation to the campaign that the Nationals were running, which ultimately unseated Brendon as the member for Pilbara, and the beneficiary of that was the Labor Party. We understand very well why we need to know where money comes from and how much money can be spent during a campaign. It was a little while ago, but it is pretty clear in my mind that the chamber said at the time that it had spent only a modest amount. Because the disclosure period and the return was not for some time afterwards, it was only much later, when the dust had settled, that we found that it was well over \$4 million, most of which had been directed into the seat of Pilbara. It was extraordinary. There is no other word for it. I am not sure that the chamber would engage in that behaviour again, but it just goes to show that there is a requirement for us to understand where and how major organisations with access to funding can influence the outcome of the make-up of our state Parliament.

Everyone is entitled to participate in the political process. That is not something that we should deny. Everyone is entitled to advocate for and work towards having policy or change implemented that impacts their sector or business, but there should not be an uneven playing field, particularly in a state like Western Australia. When there are significant organisations with big bank balances and access to government ministers who make those decisions, we need to make sure that we get the balance right. It was a heavy-handed and very arrogant use of power and money. In principle, the opposition alliance is not opposed to updating disclosure requirements, but what has been put forward in the bill is significantly different from the provisions in the 2020 bill, and I would say that that will come with a much bigger administrative burden for all involved, but I will return to that later.

I want to go into expenditure caps. On the surface, expenditure caps sound eminently sensible, but I question the minister's hyperbole and hype when he described this legislation as "arresting the expenditure arms race to ensure that state elections are a contest of ideas, rather than a contest of dollars". It will, in fact, allow most political parties and third-party campaigners to spend what they spent on campaigns in the past. It will not stop them from doing that. It will stop them from doing it at certain times. I understand that the Chamber of Minerals and Energy could still spend \$4 million in the seat of Pilbara; it will have to declare it, but it will be able to do it right up to the point at which the election is called without breaching the expenditure cap. The caps that will apply to political parties, third-party campaigners and candidates will apply only during the actual campaign period—so, the day that the election starts to the closing of the polls. There will be nothing to stop a third-party campaigner, a political party,

a candidate, a union or an individual from spending what they like in the days, weeks and months preceding the campaign period. We all know that that happens. In fact, the Australian Nursing Federation is running a pretty staunch campaign at the moment, which I am not sure the government would be particularly pleased about. Yes, it would cap expenditure in those last weeks before polling day but with early polling, political parties start their campaigning earlier and certainly other strategies will be employed, so I do not want to get caught up in the hyperbole and the hype. The minister's first line in his second reading speech was that the government is very proud of what it is delivering here. He said that it will be the strongest framework for electoral finance reform in the nation and all these things, but I think that once we start scratching the surface and people start to understand what can be spent and how it can be spent, a significant amount of money from various entities will still flow during campaigns. The minister will say that he is capping expenditure for political parties again to make a contest of ideas, rather than dollars, but we know that on the Labor Party side, 14 Labor-affiliated unions will not be captured under the Labor Party's expenditure cap. They will all be treated as independent entities with their own expenditure caps during the campaign period. Prior to the campaign period, yes, they will have to disclose but they will be able to spend what they like, as can everyone else.

Mr P.J. Rundle: He's looking surprised.

Mr J.R. Quigley: I'm sorry? I missed it; Cottesloe is too far away from Butler!

Mr P.J. Rundle: I said you were looking surprised.

Mr J.R. Quigley: From Roe; I am sorry.

Ms M.J. DAVIES: I have 20 minutes left, so I am just going to keep going. There is a provision for other entities to spend up to \$500 000 within the capped expenditure period as general expenditure, including \$13 000 per Legislative Assembly seat and \$6 500 per Legislative Council seat, per election, regardless of whether they contest or field a candidate in the election. These are associated entities or other entities. Some 14 unions—I am happy to be corrected but I think it is about that many—are affiliated with the Labor Party.

Dr D.J. Honey: Twelve when I last looked.

Ms M.J. DAVIES: We lost a couple. Goodness! Whether it is 12 or 14, it is still a significant number. I am not sure. It is very careless to lose unions. As defined in this bill, each of those unions, 12 or 14, can spend \$500 000 in the upcoming general election, creating a significant disparity in the political parties in how much they can genuinely spend in the upcoming election. If the Nationals WA filled every Legislative Assembly seat in the regions, it could spend somewhere around \$2.08 million based off 16 Legislative Assembly regional seats. That would be less if we lost one. It could spend \$2.4 million for Legislative Council expenditure if we had candidates for all 37 Legislative Council seats at the upcoming election. The Liberal Party fields candidates in every Legislative Assembly district and every seat available in the Legislative Council. It could spend just over \$7.5 million and \$2.4 million in the upper house. If we followed suit and applied that to the Labor Party, and it received \$500 000 from each of its 14 affiliated union bodies—less than that if it is 12—and fielded 59 Legislative Assembly candidates and 37 upper house candidates, its total spending would be around \$17 million. That includes union spending as well. Let me recap. That is around \$10 million for the Liberal Party and the Nationals WA if we both ran in every seat and that is \$17 million for the Labor Party.

I come back to the point I made earlier that this legislation helps the Labor Party retain or gain political power at every election because it will always be able to outspend in the system that it has set up. I understand how the caps were set and there is a requirement that we must be alert to so as to not impinge on the right to communicate. That was the justification that was tabled by the minister at the time. I would summarise that by saying that we received advice during the briefing that the cap limits had been set higher than any spend that had ever been set before. Remember that we are trying to make sure that we have a contest of ideas and not spend, and we will purportedly make it open and fair and transparent. We have already determined that the Labor Party has the capacity to spend significantly more than this side and absolutely more than Independents or ungrouped individuals. Now we learn that the cap limits have to be set at a point at which they have to be overly generous so as to not impinge our right, under the Constitution, to communicate from a political perspective.

There is only one candidate who would be impacted by the current cap limits that the government has set out and that was Peter Lyndon-James who ran for a seat in the upper house at the last election; he spent an enormous amount of money, but everyone else's spending was well below the limits. If the minister thinks that there will be any pullback on the amount of money that allows political communication or expenditure during a campaign, I do not think that argument is right. The caps necessarily have to be high. The minister gets to say that he is setting caps. If we go to the next step, we then say, "But what do those caps practically do?" Not much. Again, the hype around this bill does not stand up to the scrutiny.

Everything that this government does is sort of clad in a cloak of good virtue. The spin machine is permanently in overdrive. When we heard the minister giving the second reading speech, it was full of it. He said that the government

will make it harder for people to spend money. It is going to be responsible and reasonable. But within all this, the caps will not really limit much. They will allow the Labor Party to spend a significant amount. The caps apply only during the election campaign so the Chamber of Minerals and Energy or Clive Palmer—I think he was used as an example—can spend what they like right up until the election is called, and we know they do. I am not suggesting the chamber is going to engage in another campaign like that. I suggest it is probably regretful of its decision on that front in some ways; I am sure not in others. It did not get the policy it was opposed to, so that was a bonus from an industry perspective in its view.

I do not think this legislation is about transparency or fairness. The Labor government is desperate to hold on to power at any cost and it has been prepared to change the state's entire electoral and voting system to help it do just that. I have some questions that I would like the minister to answer during his second reading response and I will list them all in this section so that his advisers and he can easily review them and assist if required and we will find the right place during consideration in detail to ask some of the questions as well. To flag some of our general questions: how will political parties that are not registered to the Electoral Commission be treated in relation to campaign expenditure and fundraising? For example, a whole raft of political parties was delisted or deregistered after the last election. One Nation is still a political party, but it is not a registered political party. Will it be captured under this legislation with its spending and disclosure requirements and what is being imposed?

Although the opposition has concerns around the government's decision to increase public funding to political parties during a period when many Western Australians are struggling with the cost of living, I would like to know what consideration was given to a different model. There are different models. The minister said he looked at the models in New South Wales, Victoria and Queensland. I understand that New South Wales uses administrative funding and a reimbursement model.

Mr J.R. Quigley: It is \$6 for reimbursement, plus the admin fund.

Ms M.J. DAVIES: So setting aside the amounts, how is the administration model considered by the government? Why was it rejected? Of course, one of the rationales that the government has put forward for increasing public funding is that there is an increased complexity in managing these changes. The reimbursement funding of \$2.26 to \$4.40 is for only expenditure made during the campaign. That is not going to assist with managing the complexities that come with administering these changes, in my view. That is why there is a combination in other states. We are not arguing for that. The Minister for Electoral Affairs' logic is a bit flawed, and the justification that has been provided does not quite match up with what we are getting. The cash-for-access issue and the definition of "gifts" to my mind is still a grey area, so the government needs to provide an explanation about how the definition of "gifts" as it relates to fundraising events should be interpreted. I know that there is a clause in the bill that will deal with this, but should the attendants at functions be allowed to exceed the \$1 000 cap associated with disclosable donations? How does that get disclosed? Should it go beyond the name of the person attending the function to include the organisation; for instance, if a lobbyist is attending, should it not be the business that that lobbyist is representing or their relationship to that organisation? Are they an employee, a consultant or a lobbyist? That was recommended by Honorary Professor Lewis during the Legislative Council's committee inquiry. I am not suggesting that this needs to be pursued, but it needs to be clarified by the government. If the fundraising dinners that we hear about so often are outside the purview of disclosure or they are not considered political income, then, again, what the government is trying to achieve in the introduction of these strict laws—what will likely walk out the door and hang its hat on—does not match up. I want to understand how that will be managed within this bill or whether it is still a grey area, which we will still have to muddle our way through at the next election and prior to it.

The government has stated that there is no requirement to ban specific sectors or professions from donating. Again, I refer to New South Wales where there are bans on property developers, gambling operators—Queensland as well, thank you, member for Cottesloe—and liquor producers. People come back to these debates to clarify why these decisions have been made, so for the sake of clarity, why was no decision made to ban these sectors? It is a bit like the Income Tax Act. The Income Tax Act keeps getting bigger because people find more ways to get around things. I am not suggesting that that is what political parties and individuals seek to do with electoral reform, but I have certainly heard of examples in New South Wales where there are other ways of getting around some of those bans, and I suspect that that is one of the reasons why the government has not gone down that path, but it would be good to have that rationale explicitly stated by the minister.

I mentioned earlier that the bill will create new offences for infringements, failing to disclose, accepting foreign donations, exceeding caps and failing to use a campaign account. I mentioned that the Western Australian Electoral Commission seems to have hardly ever, if not never, prosecuted for any infringements under its current act. Our experience, post the 2017 state election, was that when there was serious concern about potential voter fraud, of which we had some basis for and which later flowed into local government elections in the Pilbara. It became our responsibility as the political party raising the issue to pursue, investigate, provide evidence and keep asking the Electoral Commission to make sure there had not been a misuse of its resources. Quite frankly, the Electoral Commission at the time had no desire to do it and advised, from memory—I can be picked up on this if

this is not its recollection, but it is mine—that it was not resourced to conduct those types of investigations. If we are going to have this new piece of legislation, with new and quite complex penalties and infringements, we need to know that the Electoral Commission and the government will be serious about actually putting them in play, otherwise it is just window-dressing. It will be just a moment in time for the government to say, “Look how tough we are.” I do not have great confidence, whether it is through a lack of resourcing or a lack of will, in the Electoral Commission actually being able to do that. Therefore, will the Electoral Commission be resourced appropriately during the election and post-election? If there is an investigation, will it be clear about how information can be provided when someone suspects mischief is being done? That, to me, is a really important question.

The specified amount for declaration is \$1 000. In the last debate there was a question about why it was not set at \$1 500 to align with the tax-deductible threshold for political donations. I do not know whether an answer was provided in the minister’s previous discussion about this amount. How was the amount of \$1 000 settled on? What is the significance of the \$1 000 amount? How are organisations that are not based in Western Australia, but are not foreign donors, accounted for? Are they third-party campaigners? For example, GetUp! operates in Western Australia, but its headquarters is in Melbourne or Sydney or somewhere else. How are third-party campaigners captured? We will have other questions during consideration in detail, but that is just some of the information that we would like a response on from the minister. We do not really want the hyperbole and the self-congratulations about how proud this government is. We have come to expect with electoral reform, whether it is finance or the issue that we are dealing with at the moment, a healthy dose of cynicism from our side on the changes that get brought forward. We want the detail because, regardless of what happens in this house during consideration in detail or in the other place, we know that the bill will pass as the government intends it to because it has the numbers to do that.

I hope that the minister will consider a recommendation from the opposition to refer the bill to the Standing Committee on Legislation as an opportunity to engage in a bipartisan manner. This should have been offered prior to the legislation coming into Parliament. I suspect that that offer will be rejected, which will just be another black mark on this government’s list of decisions in relation to taking a more balanced approach to legislation. But I live in hope that the minister will see the benefit of having the committee look at this bill, because it is substantially different to the one that was brought to the house in 2020. The bill has not been consulted on both sides of the Parliament. I will go back to the advice that was provided by Hon Peter Collier, who was a former Minister for Electoral Affairs. The advice that he was regularly offered by the WA Electoral Commissioner was to engage with the opposition if the government wanted to make changes to this legislation or system. Therefore, the minister has either ignored that advice or perhaps—I do not know—the WA Electoral Commission has not offered it. I would be very disappointed if the Electoral Commission has departed from its sensible and bipartisan approach to advising governments of the day.

In short, it is the opposition’s view that the Labor Party has, once again, brought legislation to the house that applies window-dressing to the state electoral regime under the guise of transparency and fairness whilst embedding a system that benefits its party and political supporters. Electoral reform by the McGowan and Cook government is synonymous with actions that protect, embed and enhance the Labor Party’s own political fortunes, not the best interests of a fair and equitable democracy. For those reasons, the National–Liberal alliance opposition will not support this bill.

As I have indicated, there are elements that have our support, but on the whole, this is not something that should have been dumped into the Parliament with no notice, no consultation and no effort to engage with the any of the other political parties. This is a government that cannot be trusted when it comes to electoral reform or, for that matter, on any other issues that are impacting Western Australians. I remind everyone that we are facing a cost-of-living crisis and a housing crisis. Our health system is in a shambles and has lurched from one crisis to another under this government for the last six years. There are eye-watering cost blowouts in the government’s major Metronet project. The government is sitting on a major surplus, yet we are in here debating a bill that is dressed up to make the government look tough and fair when it comes to elections and finance, but in reality feathers its own nest. It is not something we can support.

I look forward to consideration in detail and getting some of the answers that we requested from the minister during the debate on the second reading, and then we will go through the bill. We have no desire to drag this out unnecessarily, because we know that it will go through regardless. There is a significant amount of work to be done if everybody required to participate in this new system needs to get it into place before the next election and make sure that we are able to manage that appropriately. There is no desire to drag this out, but we will do our job properly and go through the bill. We will ask the government to put on record the decisions and rationale as to why it has arrived at these particular elements, in a bill that I am sorry to say could have—in a bipartisan effort—been something that we all could have moved forward with. There is no question that the opposition understands that there must be transparency and openness when it comes to political finances, and that democracy should not be unnecessarily influenced by those who have access to power and money. Those are principles we agree with, but we certainly do not agree with coming up with a system that feathers the Labor Party’s own nest. My interpretation is that is exactly what it does. It sets the Labor Party up as it faces an election that it knows will be difficult. It lost Premier McGowan and the shine has come off, and it will be desperate to hold on to the power that it has become

accustomed to. I once again say we will not be supporting this bill. I urge the minister to consider referring it to the Standing Committee on Legislation, because we know the government does not always get these things right. Consultation can improve bills and has done so in the past. I look forward to consideration in detail.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [1.51 pm]: I wish to make a brief contribution. I congratulate the member for Central Wheatbelt on her excellent contribution, and confirm that the opposition will be opposing this bill. As the member for Central Wheatbelt pointed out, at the same time that the Minister for Electoral Affairs was saying, “I am exceptionally proud of the Electoral Amendment Bill 2023, which significantly reforms the political finance regime in the state and delivers on Labor’s promise for greater transparency and accountability in political donations,” he was drawing up a bill which basically allows unions to have a field day. I have discussed before with the Minister for Education what goes on with unions. We see this government is again throwing open the door for further union activity and making it more difficult for everyone else. It really leads to questions on the way that this government operates. It is more of the same. As we saw with the precinct legislation in Northbridge, a person cannot go here and there, but funnily enough, they can have a union meeting in that particular precinct. These are the sorts of things that actually upset the people of Western Australia. The thing that upsets me is that this government came in to power on the back of the COVID-19 scenario, but every time we see a bill come out and the government says, “Look at this: greater integrity, greater transparency,” we remember the previous Premier, Hon Mark McGowan, saying that electoral reform was not on the agenda. When asked seven times by Dan Mercer in Albany what he thought about electoral reform in the upper house, he said, “No, it is not on the agenda.” Then, as soon as the election was over, the Attorney General openly admitted that he could not write the legislation quickly enough. He could not get his pen out and write that legislation quickly enough to basically wreck the status quo of the upper house. He changed the whole arrangement and appointed —

Mr J.R. Quigley: That’s not right. It was a report from your friend, Mr McCusker.

The ACTING SPEAKER (Ms M.M. Quirk): Attorney General!

Mr P.J. RUNDLE: — Hon Malcolm McCusker and others. Basically, he wrote that legislation, and he could not write it up quick enough after the state election. To be honest, the people of regional WA have had enough. As the member for Central Wheatbelt pointed out, would the government have elected the member for Warren–Blackwood if it had known the forestry scenario was going to happen?

Several members interjected.

The ACTING SPEAKER: Members!

Mr P.J. RUNDLE: Would the government have elected various other members —

Several members interjected.

The ACTING SPEAKER: Member for Burns Beach!

Mr P.J. RUNDLE: Thank you, Madam Acting Speaker.

Would people in the regions have elected other members if they had known they were going to be silent on the Aboriginal Cultural Heritage Bill? These were the pretences that the government came in on and we see it once again with this particular bill. We will recommend that this bill goes to the Standing Committee on Legislation.

Recently an article in *The West Australian* criticised Hon Dr Brad Pettitt and others for being paid to be on a legislation committee, but this government will not allow any legislation to go to that committee. It is not those members’ fault that they are accepting those wages for being on a committee when this government will not allow bills to go to the committee. This legislation will be no different. This bill will be the same. We will recommend that it go to the legislation committee, and members can bet their life savings that this government will not allow it to go to that legislation committee in the upper house. That will be the test of the Attorney General saying, “Look at this. This is integrity. This is transparency.” That will be the test to see whether it goes to the legislation committee. We saw it before at the start of this debate, when hardly anyone was in here. Now, everyone is coming in for question time. However, there will not be any speakers from the other side. It is all about the Attorney General. From my perspective, the other very important point raised by the member for Central Wheatbelt was the fact that these type of bills, and actually anything to do with the Electoral Act or the Electoral Commission, should have a bipartisan approach and there should be consultation with all affected parties. What have we seen here? No consultation.

Mr M.J. Folkard interjected.

The ACTING SPEAKER: Member for Burns Beach!

Mr P.J. RUNDLE: Thank you, Madam Acting Speaker.

There has been no consultation whatsoever with the opposition about a very important change to the Electoral Act.

I certainly have a few questions as we go along. One of the things I agree with the member for Central Wheatbelt on is shortening the time for pre-polling. I think just about every member here in the chamber would agree with

that. I have always said to the Attorney General that we should make it even shorter. What happens is the Electoral Commission does not advertise it properly. I have seen it out in the regions. It is word of mouth. It spends all of this money on getting people to stand there for three weeks, manning polling booths and paying polling staff, and does not advertise it.

Several members interjected.

The ACTING SPEAKER: Members!

Mr P.J. RUNDLE: Eventually, with three or four days to go, people start to flock in to the pre-polling places when the money should have been spent on advertising and focusing on the fact that pre-polling was happening.

Several members interjected.

The ACTING SPEAKER: Minister!

Mr P.J. RUNDLE: Certainly, from my perspective, I welcome a shorter pre-polling period. There are no two ways about that. The thing that confuses me is the bit about enrolling 16-year-olds during this election period. I cannot see the logic in that. I certainly have questions about what communication they will receive over time. That will clog up the process with people lining up out the door while people are being enrolled on election day, including people who might have moved two or three weeks ago and are trying to change their details. I can see some real issues there.

Debate interrupted, pursuant to standing orders.

[Continued on page 5298.]