

**ELECTORAL AMENDMENT BILL 2000**

*Committee*

Resumed from 14 September. The Deputy of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

**Clause 62: Part IIIA inserted -**

Progress was reported after Hon Helen Hodgson had moved the following amendment -

Page 47, line 3 - To insert after "Council" -

or a member of either House of Parliament of the Commonwealth in relation to Western Australia

Hon HELEN HODGSON: As we left the debate on Thursday evening, the minister suggested that a preferable form of words might be provided to me. That alternative form of words was provided to me on Thursday evening. I seek the leave of the Chamber to withdraw the amendment on the understanding that I shall shortly move another set of words to the same effect.

**Amendment, by leave, withdrawn.**

Hon HELEN HODGSON: My new amendment replaces the words at the same point in the Bill. The second amendment has not been able to be added to the Supplementary Notice Paper because of the technicality of withdrawing the second one. Copies have been circulated to some members.

The DEPUTY CHAIRMAN: The Chair would like to see it.

Hon HELEN HODGSON: Members handling the matter have generally seen the new amendment. I move -

Page 47, line 3 - To insert after "Council" -

, or a member of the House of Representatives for a division in this State or a senator for this State

Essentially these words have the same effect as the words I moved to insert last week but describe more accurately the position of a person in the Federal Parliament representing an electoral division in Western Australia.

Hon N.F. MOORE: The net effect of the amendment is that essentially a person can be elected to the Federal Parliament as a member of a particular party which does not have representation in this Parliament, but by virtue of being a member of the Federal Parliament that person's parliamentary party is a registered parliamentary party for the purposes of this legislation and does not require 500 members to establish itself as a political party. Fundamentally this legislation is about the State Parliament. In order to be a parliamentary party for the purposes of the State Parliament, it should have a member of the State Parliament; it should not be sufficient to have a member of the Federal Parliament. The Government does not support this amendment.

Hon J.A. COWDELL: The Opposition will support this amendment for the reasons I indicated on Thursday. This is just a rewording of the previous amendment to put it more precisely in line 3 and thereafter.

Hon J.A. SCOTT: The Greens (WA) will also support this amended version of the amendment to clause 62. We agree that it would cause difficulty if a party with a representative in the Federal Parliament who represented a seat in the State could not be recognised as part of a registered party.

Hon MARK NEVILL: I am not inclined to support this amendment. The member of the federal party would still be registered as a member of a federal party, whether or not the State Parliament is here. I cannot see what being a member of the Federal Parliament has to do with registering a party for a state election. It is quite possible that a One Nation member will be elected to this Parliament after the next state election, probably at my expense. If that were the case, that party should have 500 members. Whether it has a state senator who is a One Nation member is irrelevant. If a person wants to register a party in this State, that person must demonstrate that the party would have 500 members. The entire Bill is flawed in the sense that it gives those who are in existing parties an inside run; that is, they do not need to demonstrate that they have 500 members. These days, membership of parties can fluctuate dramatically. We have seen One Nation reach a zenith and disappear into almost nothing. If my intelligence is correct, it is making a resurgence at the moment; how big a resurgence, I do not know. Whether it has members in the Federal Parliament should not be of any interest to the State. If my friend Graeme Campbell was elected as an Australia First member for Kalgoorlie, that should not automatically allow registration of any candidate in this State as an Australia First candidate. To be taken seriously, the state party should demonstrate that it has 500 members. I will not be supporting the amendment.

Hon HELEN HODGSON: I do not intend to prolong the debate, but I will sum it up. This amendment is necessary because there is so much commonality between people involved in political parties, whether they are contesting a state or a federal election. When they are part of the same party, they are entitled to be recognised as part of that party at both state and federal levels. Although I recognise the constitutional issue that the two Parliaments are quite separate, it is one of those distinctions in which the same people are involved and the same people are standing as candidates. It causes unnecessary confusion when a person can identify as a candidate for a party federally, but that person cannot identify as a candidate for a party at the state level. It leaves the system open to potential problems. The whole system of registration that we are implementing intends to deal with those problems. This is something that could cause problems in the future. I urge members in this Chamber to support the amendment.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance	Hon N.D. Griffiths	Hon J.A. Scott	Hon Bob Thomas ( <i>Teller</i> )
Hon J.A. Cowdell	Hon Helen Hodgson	Hon Christine Sharp	
Hon E.R.J. Dermer	Hon Norm Kelly	Hon Ken Travers	
Hon G.T. Giffard	Hon Ljiljana Ravlich	Hon Giz Watson	

Noes (15)

Hon M.J. Criddle	Hon Ray Halligan	Hon Mark Nevill	Hon W.N. Stretch
Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon B.M. Scott	Hon Muriel Patterson
( <i>Teller</i> )			
Hon Peter Foss	Hon N.F. Moore	Hon Greg Smith	

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Pairs

Hon Tom Stephens	Hon Max Evans
Hon Cheryl Davenport	Hon Simon O'Brien

**Amendment thus negatived.**

Hon N.F. MOORE: I move -

Page 47, after line 18 - To insert the following new subclause -

- (4) If a political party (the “**State party**”) is the branch or division for this State of a political party (the “**parent body**”) that is organised on a basis that includes this State and another State or Territory or other States or Territories, the reference to the constitution of the State party in the definition of “eligible political party” in subsection (1) includes a reference to the constitution of the parent body.

This will insert an additional subsection (4), which makes it clear that a political party operating in Western Australia is covered by the constitution of its parent body.

**Amendment put and passed.**

Hon J.A. COWDELL: I have a question about a subsequent part of clause 62; that is, the applications for registration in proposed section 62E(4). I note that it establishes the criteria and states -

- (4) The application is to be made to the Electoral Commissioner in a form approved by the Electoral Commissioner for the purposes of this section, and is to -

I am looking particularly at paragraphs (d) and (e). Paragraph (d) states -

- (d) if the application is for a parliamentary party - set out the name of one member of the party who is a member of the Assembly or the Council;

Proposed paragraph (e) deals with setting out the names and addresses of at least 500 members of the party who are electors.

What prevents an Ettridge-Oldfield-style abuse of the system? I refer to the scenario in which a member of the Assembly or the Council declares that he is a member of more than one party and, therefore, is entitled to register more than one party. In addition, a number of members of the public could have their names counted more than once to register a range of parties. I would like an explanation of the safeguards against that sort of abuse. There would need to be some limitation on the operation of proposed paragraphs (d) and (e). I am not

referring here to proposed section 62I, which provides a window of opportunity for registration of existing parliamentary parties. Proposed section 64E appears to be an ongoing provision that will be in operation until the legislation is amended at some later date.

Hon N.F. MOORE: I should have expected a question of this nature; I could have done more research. Proposed section 62D would not prevent someone doing what Mr Ettridge has done. I am not sure what the safeguards should be. Similarly, in respect of proposed section 62E, it is not out of the question that a person would be a member of more than one political party, provided the rules of the party allowed that. I know that one cannot be a member of the Liberal Party and a member of another party. These concerns are genuine. Perhaps we should give some thought between now and the end of the debate to whether a safeguard can be created.

Hon Mark Nevill: You should do that.

Hon N.F. MOORE: Perhaps we can come back to that after the dinner break.

Hon J.A. COWDELL: We could insert the words “provided that the name of a member may not be used to register more than one political party”. We could provide that, once the name was attached to one party and that was the device for registration, it could not be used again.

The minister pointed out that I raised this question late in the debate. In my comments during the second reading debate, I said that I had a concern and that I wanted it addressed during the committee stage. That was a week’s notification of my concern.

As I said, I am not referring to proposed section 62I, which refers to registration of existing parliamentary parties and provides that -

- (1) Despite anything in sections 62E to 62H, on the commencement of section 62 of the *Electoral Amendment Act 2000* any political party that is at that time a parliamentary party becomes a registered political party by operation of this subsection.

Therefore, proposed section 62I(1) can override proposed section 62E, but it is a narrow window of opportunity. The problem is that proposed section 62E establishes the practice for more than the next three months.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The option exists for debate on this clause to be postponed until after we have dealt with clause 81.

Hon N.F. MOORE: I would appreciate going down that path. I was not reflecting on the member’s giving notice; I was reflecting on my own poor judgment in not having an answer.

Hon MARK NEVILL: Perhaps we can overcome the problem by ridding ourselves of the notion that existing parties are automatically established. If that were to be done, anyone wishing to set up a new party would be required to prove that that party had 500 members. That would be less discriminatory and it should be considered.

**Further consideration of the clause postponed, on motion by Hon N.F. Moore (Leader of the House).**

**Clauses 63 to 69 put and passed.**

**Clause 70: Section 210 replaced -**

Hon N.F. MOORE: I move -

Page 62, after line 9 - To insert the following new subclause -

- (2) Communications under this Act between officers may be transmitted by electronic means in any case.

This amendment is designed to remove any ambiguity that might appear to restrict this form of communication.

Hon MARK NEVILL: This amendment may remove any doubt, but it could be included in every piece of legislation we debate. It is common practice to communicate by email, so we do not need to include this in all legislation. Its inclusion should be supported only if it is necessary.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 71 and 72 put and passed.**

**Clause 73: Section 99A amended -**

Hon N.F. MOORE: I move -

Page 63, lines 28 and 29 - To delete “at which there is a copy of the roll” and insert instead -  
that is appointed under section 100

The effect of this amendment is to ensure that an absent voting procedure will be available at the maximum number of polling places outside a given electorate. Under regulations consequent upon this Bill, if any polling place has a copy of the roll of an absent voter’s electorate, a simplified form of absent voting can apply. This amendment rectifies a drafting problem to ensure that an important aspect of this Bill can be achieved.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 74 to 81 put and passed.**

*Sitting suspended from 6.00 to 7.30 pm*

**Postponed clause 62: Part IIIA inserted -**

Resumed from an earlier stage.

**Progress reported and leave granted to sit again.**