

ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Committee was interrupted after the clause had been partly considered.

The DEPUTY CHAIR (Hon Dr Brian Walker): We are still asking the question whether clause 1 do stand as printed.

Hon TJORN SIBMA: Deputy chair, we are still asking that question, I assure you.

Before the interruption, I highlighted some preliminary questions about the establishment of a higher reimbursement rate for electoral expenditure. I said that we would potentially get to the setting of the limit in the appropriate place, but some extensive justification for increasing the rate is in the second reading speech. I note that it has not changed in 17 years, and the Minister for Electoral Affairs conceded that all political parties and candidates will have to comply with the new administration system, which is likely to be expensive. The increase is justified because it is stated that the existing rate of \$2.26 is not sufficient to assist people to comply. Remarks were also made about the essential elements in a vibrant democracy, and it was noted that candidates will have to spend money to communicate their intentions and those intentions should not be solely funded by private means. The intent here is to avoid an undue reliance on private funding, and a justification is provided for a partial public funding of candidates; it is a system that we have at the moment.

The curiosity, though—it is something I think is probably superfluous to the bill, but I want to know how it actually corresponds with the policy intent—is the following provision —

Existing political parties and elected non-party members will have 28 days from the commencement of this legislation —

I presume that we will get to that at clause 2 —

to opt in to receive the higher reimbursement rate.

If there is such a good argument for increasing the rate, why would there be a need to opt in to it, especially if one of the justifications for increasing the rate is that we all must comply with these new dimensions? Can the parliamentary secretary helped me reconcile the need to include this kind of clause? Indeed, is the inclusion of this clause in the bill absolutely germane and critical to delivering on the policy of the bill?

Hon MATTHEW SWINBOURN: Not all political parties will want to take up the opportunity. It is conceivable that some political parties or participants do not agree with the public funding of political parties in their entirety. Some might not agree that the amount between the \$2.26 to the \$4.40 is appropriate. From that basis, they have choice to opt in to receive it or not. The Minister for Electoral Affairs made comments in the other place about the motivations for including them. I do not have anything further to add to his comments, but in terms of what it does and a rationale for it, that is certainly the case.

Hon TJORN SIBMA: There seems to be no consistent, mature justification for this inclusion. Regarding the hypothesis that some parties or candidates might not want to avail themselves of it, I do not know how that opinion might be formed, noting there has been absolutely no consultation with anyone. That notwithstanding, what is the purpose in setting a 28-day deadline, noting that at least insofar as individual candidates are concerned, many might not have made up their minds whether they will run at the election? I read this to mean 28 days from 1 July. Would that be a fair assessment?

Hon MATTHEW SWINBOURN: The 28 days to opt in is not a catch-all for everyone. On commencement of the bill on 1 July 2024, existing political parties will have 28 days to opt in. It has been established that there are currently seven registered political parties, so it will be those seven registered political parties. It is also possible that by 1 July next year there may be additional registered political parties, and they too would need to opt in after that time. After that, if a party becomes registered after the commencement of the scheme, they would then have to opt in 28 days from their registration date to receive the additional funding. New political parties have 28 days from the time of registration to opt in, which comes under proposed section 175LC, and non-party candidates in an election will have until the close of nominations, and that is in proposed section 175LCA.

Hon TJORN SIBMA: I turn to the unnecessary design of this. Was the Solicitor-General asked to provide a legal perspective on whether inclusion of this opt-in or opt-out provision was lawful?

Hon MATTHEW SWINBOURN: As the member can appreciate, we do not disclose the nature of advice that has been given to us by the Solicitor-General. We have done it in the justification statement. In that regard, we

have provided context, but more generally we will not provide specific reference to whether the Solicitor-General has given us advice.

Hon TJORN SIBMA: I take the parliamentary secretary at his word, but I assume that the origins of this are some political calculation best known in the recesses of the mind of the Minister for Electoral Affairs. He recounted to me a story—I do not know whether he elaborated upon this in the other place. He drew my attention to a cartoon in *The West Australian* of 31 October 2003 depicting an attempt to do a deal on public funding, and it had three little piggies at the trough with the faces of the then respective leaders of the major parties, being Hon Geoff Gallop, Hon Colin Barnett and Max Trenorden, as well as two other little piggies from One Nation and the Greens, and they were all sucking. I think he wanted to avoid that kind of accusation again but I believe this is some sort of juvenile undergraduate trickery; if you come out and oppose this bill, and your party apparatus then opts in, you are hypocrites. I think the minister, as much as I find him entertaining, is actually better than this and should be held to a higher standard. I will not take up more of our time on this matter in this clause.

Very quickly, before we get off clause 1—I think we can get off clause 1 by members' statements tonight; what an achievement!—I want to understand the philosophical or evidentiary basis upon which the parliamentary secretary believes it is necessary for us to register in this jurisdiction how-to-vote cards. Reference is made to the global phenomena of increasing misinformation and disinformation. Has any misinformation or disinformation been evident in the construct of how-to-vote cards issued at the last state election, for example?

Hon MATTHEW SWINBOURN: We do not have any specific examples from the Western Australian election. I think we were informed from activities that had happened on the east coast. I cannot get into any more detail than that because I am not familiar with it. I do not think it is in relation to misleading people; it can be the other material that is included with the how-to-vote card or making a statement about how people propose to preference and then proceeding to produce material that goes completely against that particular thing. As I say, to be straightforward with the member, it is mostly informed from activities that have happened outside the Western Australian jurisdiction.

Hon NEIL THOMSON: I just want to touch on the inclusivity provisions within clause 1. There were some questions and I note I was detained with some urgent parliamentary business relating to planning a little earlier. I know some responses were given about who advised; I believe that has already been done on the inclusivity provisions. Could I get an elaboration on the advice that was given and whether any consideration was given to persons in remote Western Australia in the general sense?

Hon MATTHEW SWINBOURN: Not specifically, member. Obviously, some provisions of the act already deal with making provisions for people with remoteness in terms of mobile voting, postal voting and those sorts of things. It was not a case of who to exclude; it was building it up. Obviously, we started with the most disadvantaged people in our society, which includes Aboriginal people who live in remote areas.

Hon NEIL THOMSON: Yes, that matter has been raised here. We noted the increased enrolment that occurred recently when we compared the enrolments in March and October. I suppose the question is whether there is capacity to provide any analysis of the disadvantage that occurs in regional Western Australia. I note a calculation that I have done and presented, obviously, to Electoral Boundaries WA.

Progress reported and leave granted to sit again, pursuant to standing orders.