## ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023

*Second Reading*

Resumed from 11 October.

**DR D.J. HONEY (Cottesloe)** [10.28 am]: I was part way through my contribution. Yesterday I talked more about the $6 million advantage that the Labor Party has, in association with the unions, under this bill. One of the areas I want to talk a little about in relation to that was the in-kind support. As I understand the Electoral Act, in-kind support should be considered as part of a donation, if you like. For example, if an organisation donates a person who is going to work full-time on the campaign, that part of their time would be considered a donation. It is not clear to me that the in-kind effort by the union officers is captured in that way. I am happy to be educated on that. From what I observed over many years, when it comes to election time, union officers are effectively fully devoted to campaigning; that is, the entire office, all the equipment and all the staff are devoted to that. It is not clear to me that the staff take leave. In fact, my suspicion is that they do not take leave. They do not do it on their personal time; they do it as paid union employees.

I suspect this is not a matter under this legislation, but I would encourage the electorate office to look closely at in-kind donations because the simple reality is that on our side, we do not have organisations that are devoted to the political cause during campaigns. With the Labor Party's affiliated unions, they are intrinsically political organisations. They are devoted to them. Once we get into the campaign period, although they might be servicing their members, in large part they devote themselves to the campaign. As I have pointed out, members in this place—they all know who they are—are affiliated with unions and, in significant part, the majority owe their positions in Parliament to the fact they have been supported by a particular union coming in here. It is important to particularly capture in-kind donations because I think that is another intrinsic advantage that the Labor Party has because of the union movement.

Other groups can have significant input into political campaigns. Again, it is not clear to me whether they will be captured. Hopefully this legislation will capture them. Groups like GetUp! run very well-funded campaigns, which are clearly in support of particular candidates—not just a cause, but particular candidates.

I think I have covered those points reasonably well. I appreciate that lifting the amount of funding for each vote is a difficult issue for the government. One of the issues I have always had since I have been involved in politics is the degree to which political organisations have to rely on donation support. One way or another, that affects what political parties do. Ultimately, it also has some impact on what parliamentarians are doing in Parliament. I think the more we move away from that the better. Providing additional funding will provide greater certainty for organisations.

I am interested in the question of privacy, which I visited a little bit yesterday. As I understand it, people are required to publish not just their names and donated amount, but also their address. We said that candidates should not have to do that. I can understand why we might want to collect that information if there were some impropriety, but why does it have to be made public? I think that makes it possible to target those individuals. An alternative could be that the Electoral Commission maintains that information, and if there is an allegation of impropriety, obviously the Corruption and Crime Commission, which would be the appropriate body, could investigate, or the Electoral Commission could as well. I will leave my further comments to the consideration in detail stage.

**MR J.R. QUIGLEY (Butler — Minister for Electoral Affairs)** [10.33 am] — in reply: I thank the members of the opposition for their contributions, particularly the member for Central Wheatbelt, Hon Mia Davies, the member for Moore and the member for Cottesloe. I want to address some of their concerns during this reply, although the answers will be more fully fleshed out the consideration in detail stage.

The lead speaker raised a number of questions during her helpful contribution. I will try to deal with some of those now and then we might return to some of the topics in consideration in detail. One of the questions was about campaigning and fundraising for political parties that are not registered with the Electoral Commission—for example, One Nation. She asked whether One Nation's spending will be captured under the legislation. If it spends more than $500 in the campaign, it will be captured by the legislation and will be treated as an Independent candidate. Like any other Independent candidate, it will have to make the necessary disclosures. If it is part of a party that is not a registered party and it is running on the ballot paper, it will not be above the line—the candidates will be below the line in the Legislative Council as Independents—or if they get together as a group, they will only be able to be called group A, but the candidates will be regarded as Independents.

A question was also posed about what consideration was given to a different model for public funding—for example, New South Wales has administration funding. I was asked whether the administration funding model was considered; and, if it was, why it was rejected. I had considerable angst over this because we will be imposing more obligations on political parties. I recognise that New South Wales, Victoria and, I believe, Queensland, on top of the amount paid each primary vote, have an administration fund. In New South Wales last year, I believe it was $6 million. I looked at Western Australia having, in round figures, a third of the population of that state, so that would mean

the administration fund could be in the order of $2 million. At the moment, we are in the middle of a cost-of-living crisis for all families. How much weight can the community bear and how much weight should the political parties bear during these very straightening times? The government elected to increase the amount for each vote from $2.26 to $4.40. I deliberately chose $4.40 in my cabinet submission because it was 1¢ cheaper than in South Australia, so I could boast that we still have the cheapest. I note, however, that going to the election in 2021, the South Australian Premier said that they would go for full public funding. One would expect that, if they go through with it, the amount per vote will go right up. I looked at doing that in Western Australia.

What if we got rid of all donations and had a completely clean system, and had only public funding of elections? No-one could then cast an aspersion against a politician for receiving money or donations. When I looked at it, it came out at around about $8 to $9 per primary vote. Of course, that would benefit existing parties because the $8 to $9 would be worked out by what votes they got at the last election. It would be a party going into the 2025 election. The opposition parties would be thinking that perhaps they will do better than what they did in the 2021 election so that their take will increase. What about a candidate who wants to enter, but has never been a member of Parliament, so they have never had a primary vote? How could we calculate what that person will get? They would be going into an election not knowing whether they will get $1 back.

For people already in Parliament, it will be worked out on the primary vote they got. It would be very difficult for a new player in the field under a totally publicly funded model. If it is not going to be totally publicly funded, what is a reasonable level? I think $2.26 would not assist the parties to cover their burden. I also realised that if I went to $5 or $6, the community would ask what the politicians were doing, trebling it during a cost-of-living crisis. I tried to be fair to the public and to the political parties, and come up with a balance. I think that by coming to $4.40, we will have the cheapest in Australia, but only by the breadth of an angel's wing because South Australia is $4.41, and it will go higher in South Australia. It is considerably less than New South Wales, which is $6 something. Victoria is a bit cheaper at about $5. It is all a balancing act, and we tried to have it proportionally balanced and fair for everybody.

There has been some talk about fundraising events. Submissions were made and questions were asked, especially by the member for Cottesloe and others. I think the member for Roe raised it as well. What will happen when a political party sells a ticket to a fundraising event at a restaurant that charges $200 for a three-course meal including wine, and the party sells tickets for $1 200? What will be the disclosable amount? Will it be $1 200 or the profit of $1 000? I hope I have made that clear enough and correctly put the opposition's concerns. Under the current wording of the act, I believe it is the value of the gift, not the consideration, but I agree that there could be some argument about that. The WA Solicitor-General has been in the Speaker's gallery, listening to the debate. I approached him to find out whether we could come up with a form of words that would put that beyond doubt, so if a party sells a ticket to an event, the profit is declared as the gift. If the dinner costs $1 200 to put on—sorry, may I take that back? I misspoke. If the dinner costs $200 a head to put on and tickets are sold for $1 200, under the amendment I will table this morning, the disclosable amount will be just the profit, not the $200 that it costs to put on the event. Similarly, if a bottle of wine is auctioned, the cost of the bottle of wine will not be declared, but the profit made from the auction of the bottle of wine is clearly a gift because the buyer could go to the bottle shop and buy the same bottle of wine for $30. If the bottle of wine sold for $300, the amount to be declared would be $270.

I have to say that I know the administrations of the parties—Liberals, Nationals and Labor—do not go around trying to bodgie all this. It is too big a risk for the parties. Their administrators and party secretaries work hard to put in honest returns. I do not carry any particular fear that any of the major parties will try to raise the objective value of the gift and say that the bottle of wine was worth $100 and, therefore, the gift was only $200. It is too big a risk to the reputation of the party and those employed by the party.

I will put that amendment. This morning, I disclosed that amendment to the opposition. Although it is not on the notice paper, we have had discussions about it behind the chair.

**The ACTING SPEAKER (Ms M.M. Quirk)**: Very loudly, I might add.

**Mr J.R. QUIGLEY**: We have had discussions behind the chair, and we have got to a position, for which I think there is agreement, about how we can deal with that so it will be only the profit.

I was also asked a rhetorical question—it might have been an actual question—by the lead speaker of the opposition about why there will be no ban on property investors. To arrive at my position to cabinet, I took advice from a whole range of people and discussed it, not with property developers but with the likes of Hon John McKechnie, KC, the Corruption and Crime Commissioner. About 18 months ago, Mr McKechnie published a paper saying that we should perhaps ban property developers. I put to him the alternative, which is real-time disclosure, every seven days during the year and every day once an election is called. In a democracy, the public can then make up their minds about whom they want to vote for, considering who is donating and how much they are donating.

I will not repeat Mr McKechnie's private discussions, but, as I said in my discussions, I put it to Mr McKechnie that other sectors of the economy can just as easily be enriched as property developers by a decision of the minister. For example, under the Aboriginal Cultural Heritage Act, a ministerial consent under section 18 could confer quite large profits on a mining company that wanted to mine an area. In the health sector, private providers could be greatly enriched by government's decisions to put a private hospital in an area and give the contract to a health provider. I do not want to name any health providers in my speech at the moment, but we know that that could happen. That could happen in many areas of the economy, and a government decision could enrich or profit an organisation, outside of property developers. That is very true at the moment. The multibillionaires created in the last decade have not come from the property sector. They have all come from the mining sector, and they need environmental approvals, mining approvals and the whole lot, so it is best to have real-time disclosure.

Although I will not repeat anything Mr McKechnie said to me privately, I note that since the introduction of the bill, in his public comments, he has said that the bill addresses his concerns, and I am comforted by that. After all, he is the Corruption and Crime Commissioner, no less, so if he publicly says the bill addresses his concerns, I am fortified in my opinion.

The question was also put about how we will deal with GetUp! and other organisations not based in WA. Under this bill, it will not matter where they are based; it is to do with how much they give to a candidate. They are not running all these campaigns themselves. They do that as well, but they also fund individual candidates, and those candidates will have to disclose the funding they will get in real-time. There is no cap on donations as such because as to how people can donate became a mire. They can donate through different companies; they can be the director of six companies and have each company donate. They can walk around donation caps easily. What they and candidates cannot do is walk around the expenditure cap. That all must come from the state campaign account. The state campaign account is not an invention of Western Australia, me or this government; it is tried and tested in other jurisdictions. The Electoral Commission can audit the expenditure by going to the state campaign account, to which it will have access to see that expenditure was within the cap. Big penalties will apply for exceeding that. If we put in a penalty of $50 000, does that deter a billionaire? Hardly. If we put in a penalty of three years' imprisonment or a $50 000 fine, the provision of penal penalties might cause them to think again, because a court may take the view that they could write off a $50 000 fine just like that. It would not be the operating fee on a piece of machinery for a day. However, the prospect of being found guilty and being sentenced would certainly cause the richest and most reckless in our community to think twice before they attempted it.

Another question has arisen during debate that was amplified by the member for Cottesloe and mentioned by others—namely, concerning fundraising events. Opposition members expressed concern that, in their minds, the language of the bill was less than clear regarding fundraising events. If an event was held and the ticket price was $1 000, but the restaurant where the event was held charged $200 for food and drink, what was the gift—was it $1 000 or $800, being the profit going to the party, not the restaurant? It was always our intention, of course, that the cap applied to the profit, not to the cost of food and drink given to the restaurant. To meet that opposition's concern, as the Solicitor-General was here, an amendment was drawn up that has been handed over that I think satisfies that issue.

The opposition raised a question about the ceiling above which all donations must be declared. It believes it would be an inhibition on its fundraising efforts because it goes for donations, as I think the member for Cottesloe said the other day, of a more modest amount, and it felt comfortable with the existing $2 600. I made the recommendation for $1 000. I was asked by one member how I arrived at $1 000. A joint standing committee report of the federal Parliament on electoral reform recommended to reduce the ceiling under which its donations do not need to be disclosed to $1 000 from about $15 000 I think. I went with that recommendation, but I will listen to the opposition. We are Western Australia with our own methods of fundraising here; they are honest. But the opposition had concern. If the opposition wants to press that point, I will not oppose it. I am not looking for controversy here. I have tried to do the right thing by redefining what a gift is so we can address those opposition concerns.

It was said that the bill was designed to help Labor. I sat here watching the opposition lead speaker make her case that this was a bill just to help Labor, which I of course reject. I was in admiration of her advocacy. It reminded me of my late mentor, Brian Singleton, KC—he died as a Queen's Counsel. He was a great advocate. He used to say to me, "Do you ever get asked at parties what happens when you're defending someone who's guilty? What do you do then?" "Singer" always had the quick response, "If you know they're guilty, well then you double the fee!" The member for Central Wheatbelt's daily rate could have been doubled; her advocacy was splendid in making the case that this process was all to help the unions. It is a flawed case, of course, but it was brilliantly put. The member is not standing again and will undoubtedly be a loss to this chamber. It was a flawed argument, despite how well it was put, because she said, "You've got 14 unions, and they can all spend $500 000." That is true if they have got the brass, which I doubt, to spend $500 000 on their own campaign. Let us theoretically say that they could—they are not the only people in society. Any third-party campaigner could spend $500 000. What is $500 000 to Mr Clive Palmer? He could come over here and start attacking the Labor government and spend $500 000. The Pastoralists and Graziers

Association, our friends from the country, can attack us over our first amendments et cetera with $500 000. All sorts of different interest groups could do that. It is unlikely, but to say that this is biased toward Labor overlooks the fact that a whole lot of groups are out there, such as nurses and perhaps teachers—I do not know—who may want to run a third-party campaign, not in support of us, but to attack us.

**Dr A.D. Buti**: Minister, I do not want to stop your train of thought, but I think a lot of people are under the misapprehension that nurses and teachers are members of the Labor Party. They are not affiliated with the Labor Party.

**Ms M.J. Davies**: Most of them are, though.

**Dr A.D. Buti**: No, they are not.

**Ms M.J. Davies**: Most unions are affiliated with the Labor Party, and that is the difference: the Pastoralists and Graziers Association is not affiliated with the Nationals or the Liberal Party.

**Mr J.R. QUIGLEY**: When we talk about affiliation, let us talk about two things. There is affiliation and an associated body. An associated body is when the party controls the organisation. With affiliation, it can get votes at state executive, but it does not run the joint. Not all of them are entitled to come to state executive because they are not affiliated because they do not pay the affiliation fee. In any event, any union, whether affiliated or not, can run a campaign. At the 2017 election, the prison officers ran a very strong campaign against Hon Joe Francis, who was the corrective services minister. These unions can pick on anyone through a third-party campaign. I do not begrudge the farmers, but they ran a very strong campaign against the Aboriginal Cultural Heritage Bill. We do not know who will come out of the woodwork against us in an election campaign. I turn to the bikies. They have resources! They have kilos and kilos of methamphetamine to sell! They get picked up. What did Labrook get picked up for? He had half a million dollars. No, Kersley got picked up with half a million in her boot. That is just a little bit of their money.

**Ms M.J. Davies**: It is not normally how they resolve things, as I am told—running political campaigns!

**Mr J.R. QUIGLEY**: I know. Their normal donation is about three ounces of lead delivered at a muzzle velocity of 32 000 feet a second. A bikie came out of court with that iconic T-shirt, which was a third-party endorsement, was it not—Eff your laws, Mr Squiggles? The bikies have said that they would run a candidate at the election. I doubt whether they will put up the sergeant-at-arms or the president, but they might get some person who does not have bikie tatts or they can run a third-party campaign all over the state with my funny face all over their T-shirts. We do not know who will run third-party campaigns, but it is not right to say that this legislation is biased towards Labor. I have really tried not to make it thus.

**Ms M.J. Davies**: A valiant attempt!

**Mr J.R. QUIGLEY**: I have tried. We will deal with it in consideration in detail. I really appreciate and value each member's contribution.

There was one other thing I discussed with the Electoral Commission and that was the registration of how-to-vote cards and the impediment this might place upon candidates once the balloters have their position on the papers. People know because nominations will have closed on the ballot and then the parties will decide the order of preferences for each seat, which is what how-to-vote cards are all about. Parties can do that in fairly quick time. If there is any hold-up in that process, it is the parties' hold-up. If they get onto it after nominations have closed and the ballot for positions on the paper has been held, the commission says that it is only a tick-and-flick exercise. The party sends in its how-to-vote order for a seat, and all the commission needs to see is that nothing on the ballot paper misleads an elector—for example, "Only vote for 1." I understand from the media I have read that some misleading material was put out about the forthcoming referendum, and the Electoral Commissioner had to correct it. It is only about the fact that the how-to-vote card complies with the legislation, and ticking the box. Then it is registered. No sneaky person, no third party, can come in at the last minute and start handing out false how-to-vote cards because the polling booth workers will close them down. It is illegal. We want to give all members the circumstance that they will reflect upon as a fair election.

I take on board what the Nationals WA say about the first tranche of electoral reform. With hand on heart, I can say that there is nothing in this legislation that I approached from an ideological point of view. I tried to make it fair for all people. I have tried to the best of my ability, as has the government, to stop scams within the system. To assist people, we have drilled right down to the provision of conveniences for poll workers. In the metropolitan area—I do not know what it is like in the regions—we have had reports of polling places at schools having a toilet open, but staff say it is only for Electoral Commission staff and campaign workers are not allowed to go to the bathroom. State elections take place in March and of course electorate workers have to drink water and keep hydrated. That will require a bathroom visit. Where reasonably practical, the commission has to provide that bathroom. When the commission organises these polling places, it will have to negotiate with the places it rents to provide access. We do not expect the commission to cart portaloos around in a truck like Kenny the plumber, but where reasonably practicable, if bathroom facilities are available at a polling booth, the commission is required to provide them. I only

mention that. It is not the big headline of the reforms, but I notice it was mentioned by a speaker in the second reading debate.

Much of the debate on this legislation, in this chamber at least, drills down into party politics. I have been a Labor member in this chamber for 23 years. I was a member of the Labor Party for only 12 months before entering this chamber. I have said before that I do not come from a background of Labor people. What drew me to the party was its care for the underdog, the underprivileged and the vulnerable in our community. During my tenure as Attorney, I have tried to address the issues of the vulnerable and the underdog because I am wholly committed to them. I do not come from a Labor background down there at Nedlands Primary School—quite the contrary; nonetheless, I am committed with all of the cells of my body to protecting the underprivileged. That is why we brought in legislation to lift the statute of limitations, something that had been opposed by the former government, to help those who had suffered at the hands of abusers. That is why we expunged convictions for homosexual offences when we introduced reforms. That is why we helped those who were bereaved by losing a loved one through murder with our no body, no parole laws. I could go on and on, but that is not the point.

I am committed to this bill, not ideologically to crush the opposition, but to present an updated, fair electoral structure. In doing so, I went to the commission and asked what problems it saw. The issue of registering on the day was raised. We have an inclusivity provision that is the antithesis of what happens in Florida, where they clean the rolls and try to keep as many people off it as possible. We are the antithesis of that. We try to get as many people who are entitled to vote onto the roll as possible.

I was asked about the age of 16 years. We chose the age of 16 because that is what the commonwealth does; people can provisionally enrol at 16. We are bringing it into alignment with the commonwealth. A child who enrols at 16 or 17 is enrolled as a silent voter, and they have no right to vote. There is another added advantage. Many schools run a civics course, and the students in that course will be not just told about their entitlement to vote in two years, but also shown how they can enrol. Indeed, they can enrol from their classroom if they want to and get onto the roll. That is great; there will be more people coming onto the roll. We want as many as possible on the roll.

As to being able to enrol on the day—this is going to hold up everything—I was involved in the last Court of Disputed Returns in a case when the judgement was to oust a minister. It was Bridge v Ridge in the Court of Disputed Returns in 1977. There were a lot of Aboriginal people around the Kimberley. A group called Walkabout—two women who used to take clothing to sell to those in communities who could not get to town; I think they still do it in Kununurra—helped those people enrol, which they all did. However, those enrolments were not processed in time for the 1977 election. They came into town in trucks, literally—a great lot of people. Dozens upon dozens of Aboriginals came into town. When they went to vote, they were not on the roll, so they could claim a section 26A provisional vote—that is, filling out a form that says, "I have enrolled. I will vote." That is then marked as a provisional vote. That takes longer than enrolling the person on the day. If a person comes in and says that they want to vote and they cannot be found on the roll, they can enrol. It will still be a provisional vote because it must be checked subsequently that that person was entitled to be on the roll, but that is the same as filling in a section 26 vote. However, the section 26A provisional vote took a lot longer to deal with. Pandemonium broke out in Kununurra that day because those people could not vote. The sergeant closed the polling booth for a little while to settle it all down, and a lot of them then dispersed. The late Hon Ernie Bridge filed a notice under the Court of Disputed Returns saying that the booth had been closed down. The election was overturned, and Mr Ridge was displaced. The point I make is that allowing people to enrol on that day would have been no different from claiming a section 26A vote. Under the principle of inclusivity, it helps more people onto the roll, so we will stick with that amendment.

It struck me as curious in Butler when it was three weeks of pre-poll. That was too long. This bill will cut that down to 11 days. The commission wanted a bit longer. I said, "No, we have to have a compromise here." During that three weeks, I had workers there and people were dribbling in. There was not a big queue. There were perhaps a few more at nine o'clock in the morning, but by 10 o'clock it had petered out. On the Friday before the vote, at five o'clock, the queue went around the corner. They were all pouring in because they did not want to spoil Saturday by being in a queue. What was holding it up was that everyone who voted on Friday evening voted, and because it was an early vote, their vote had to be put in an envelope. They had to go and vote, and then bring it back for it to be put in an envelope and the particulars filled out, signed and sealed, and the envelope was posted in the ballot box. In the morning, there was none of that malarky; people just voted and put it in the box. Why could that not occur the night before? The bill has done away with that to try to make it more efficient on the day. That will be a time saver and will more than offset anyone who comes along saying that they need to enrol. They must have lived in that district for a month. It is a provisional vote until the Electoral Commission ticks it off.

I realise that little legislation goes through this chamber for which my bald head is patted for a good effort. As I have said, I have tried to come up with best practice that does not prejudice anybody, apart from those who through chicanery or trickery will try to get an advantage over any of us here. They will be excluded and we will have a fair election for everybody. May it please you, Madam Acting Speaker.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

*Consideration in Detail*

**Clause 1: Short title —**

**Ms M.J. DAVIES**: I start by thanking the minister for providing a marked-up copy of the bill. That courtesy was not extended to us for the piece of legislation that I most recently dealt with. It certainly made it slightly easier to understand where the amendments are being made. However, having read the explanatory memorandum, I would say that it is still a relatively complex bill because of the things that we are dealing with.

Clause 1 is probably the only place I can ask my first question. Can the minister advise who was consulted during the drafting of the bill? Was the administrative branch of the Labor Party involved in, or did it provide any recommendations about, the drafting of the updates? Were any unions affiliated with the Labor Party consulted or did they offer input, or was what we are about to debate formulated simply on the advice received from the Western Australian Electoral Commission and the government's policy decisions?

**Mr J.R. QUIGLEY**: It was a mixture of all of the above but not on all matters. For the disclosure requirements, for example, we consulted with the Electoral Commission and the administration of my own party to see what the practicalities were in meeting the requirements. The commission said that it would create a portal that would be available to all parties. I also consulted with the Electoral Commission about a range of things that it wanted in the bill. I think I described the first tranche of going through the administrative provisions of cleaning up the bill as "rats and mice".

**Ms M.J. DAVIES**: Thank you, minister. Can the minister confirm that he had a discussion with the administrative arm of the Labor Party? I wonder why a similar conversation was not held with the Liberal Party, the Nationals WA or any other political parties about some of those practicalities, because there are differences between the parties. Why was that not considered prior to the legislation being brought forward?

**Mr J.R. QUIGLEY**: I did not want this to bog down forever. On the practicalities of the administration, I wanted to satisfy myself that we could meet the requirements and that it would not be too much of a burden on the commission. I asked whether a political party could comply if the commission created a portal. No-one is happy with the disclosures, the spending limits and all those things that I put in. I have put them there because that was a government decision. I do not deny that I talked about the practicalities.

**Ms M.J. DAVIES**: Further to that, the minister would agree that the Labor Party has a different party machine from the National Party. The National Party has a state director and part-time administrative assistant. I am not sure what the arrangements are in the Liberal Party's headquarters, but I suggest that perhaps the administration of the Labor Party is significantly different and has a capacity that might not be extended to other political parties or players. Would it not have been a good idea for the minister to at least reach out and find out whether the practicalities of what we are debating would work for all sides of politics?

**Mr J.R. QUIGLEY**: That approach does not always solve the problem. Sometimes too many cooks spoil the pudding. With the Aboriginal Cultural Heritage Act, lots of people were consulted. Aboriginals were consulted, the farming lobby was consulted and the opposition was consulted, but what we ended up with was, as the Premier said, an unworkable situation. The government tried to satisfy all interests and ended up not satisfying anyone. The only friend the bill had in the end was the cabinet. Not one person supported it. The farmers did not support it and the Aboriginals did not support it. It was friendless. That was after, I think, two years of consultation. I wanted to make sure that, administratively, what was being proposed could be achieved. When a donation is received by the National Party, it will have to write out a receipt for the donation irrespective of this bill. We are creating a portal so that the receipt can be recorded electronically and posted on the portal. I wanted to see whether the administration could get its head around that, and it said that it could.

We will also be increasing the amount per vote. That might give the National Party more resources. When I looked at all this, I did not look at the 2021 election, which everyone in Australia would agree was an unusual election because we now have only two members of the Liberal Party in the chamber and four members of the National Party, with the National Party being the official opposition. That is unusual. I went back to the 2017 and 2013 elections and, by increasing the return per vote, I believe that on the 2013 and 2017 primary returns, the present official opposition party would have a significantly increased return and therefore availability of resources. It is not that we believe there will be heaps of extra resources. The member alluded to the real question of resources, which is the commission, not the parties. We believe that the portal will take care of that, but the commission will have to audit 500 voters, and make sure that it is all live every year and that the parties are under the expenditure caps. This will take a lot more work by the commission. I cannot go to the Expenditure Review Committee yet because I do not have legislation to take there, but as soon as this bill passes Parliament, whenever it passes Parliament and

in whatever form it passes Parliament, I will hotfoot it to the ERC with a submission. The government is bringing this in, so it has to fund its policy.

**Ms M.J. DAVIES**: Thank you, minister. That pre-empted some of the questions I had on funding. I can ask them in other parts of the bill, but the minister has raised that issue now. I am interested to know just what additional resources are likely to be needed if the bill is passed in its current form. I presume it will pass because we do not have the numbers to change it. Has the government discussed with the Electoral Commission the amount of funding and the number of people that will be required? Are we talking about a doubling of the commission's budget? Is it something the commission has put its mind to? Given that we know the legislation will pass, I presume the commission will start working on that, although I appreciate that the minister cannot go to the ERC.

I also want to make the point while we are talking about this that the minister mentioned he will increase the rate from $2.26 to $4.40. There is a clause in the bill in which we can deal with that, but my understanding is that although the minister said that that may assist in the administration provisions of the bill, it is a reimbursement for funds that have been expended. The parties would have to prove they expended the funds during the election campaign to get a return on that number. I do not think that the increased administrative burden will cover that, in my view; it is simply a return on what is spent as a political party. There might be a little bit of an uptick, but it is just an increase in the dollar value. To the minister's point, which is that it is more expensive to purchase corflutes and things like that and, therefore, there will be an increase, we are not arguing that there is no public funding in Western Australia already. The question comes back to the provision of resources for the Electoral Commission. Has the commission turned its mind to it? Did it provide the minister with advice on what that might look like in the context of the next state budget or midyear review? What are we looking at in terms of those amounts and resources?

**Mr J.R. QUIGLEY**: The government will adequately fund the commission. In answer to the member's question, the commission has turned its mind to it and is discussing that with me. That is the subject of a submission to cabinet. I will not disclose that at this point, other than to say that the commission has given me numbers in terms of what it will need in people power—I was going to say "manpower". The commission has given me an idea of what that will involve and at what levels, but I need to make a submission to the Expenditure Review Committee and cabinet. Having been a minister, I am sure the member will appreciate that I will have to stay my hand on that until cabinet has made its decision. I know that the member will drill me on it during the 2024–25 estimates hearings; I have confidence in that!

**Ms M.J. DAVIES**: I have one further question on this. The minister confirmed that there had been consultation with the administrative branch of the Labor Party. Were any unions that are affiliated with the Labor Party consulted during the construction of this bill; and, if so, did they provide advice on any of the elements contained within the bill?

**Mr J.R. QUIGLEY**: Some of the people on the state executive might be in unions. I discussed with the administrative branch how much it had spent on the election. There were returns to the Western Australian Electoral Commission. I think the opposition had a briefing by the Solicitor-General. We tried to work out the maximum spend, and we are not going to reduce that. I discussed what headroom there is, and that is why I came up with the figure of $10 million. That is not a $10 million war chest to Labor—we do not have $10 million to spend. It is to stop any billionaire from dropping in $80 billion or $20 billion, as I have read happened in the eastern states. Sorry, I mean million; I was getting the Bs and Ms mixed up. They dropped $80 million into one election and $20 million into another election. That disfigures democracy. I tried to come up with a figure that was above what any party is currently spending or likely to spend but well beneath the level of expenditure that billionaires can pour in, as was done in the seat of Pilbara. That was just shocking. Any of us could be targeted with a $5 million campaign. If they did not like me, I would be done. How could we meet that sort of expenditure? I would say, "Here's my signature; I'll go out quietly." We have to make it fair. I consulted the party on the maximum amount and then went above that. When I looked at the last election, the opposition was well below that amount. The cap will not impede anybody. No-one can say that I am getting in the way of political communication. I tried to do it honestly. I have the Solicitor-General with me this morning to assist with the explanations when we get to the clause.

**Ms M.J. DAVIES**: I appreciate that explanation. I am not quite sure that I got the answer about whether any unions had provided advice about the preparation of the bill or gave any feedback during the consultation period.

**Mr J.R. QUIGLEY**: No, they did not provide advice. I am not part of the union body, but there might be someone in admin who is. I do not want to give a wrong answer here. My advice came mainly from the Western Australian Electoral Commission, the Solicitor-General, my office, cabinet and extensive discussions with the former Premier. The unions have not advised me on what to put in the bill.

**Clause put and passed.**

**Clause 2: Commencement —**

**Ms M.J. DAVIES**: Can the minister advise why the date of 1 July 2024 was chosen for the commencement?

**Mr W.J. Johnston**: It's the start of the financial year.

**Ms M.J. Davies**: So, answer the question.

**Mr J.R. QUIGLEY**: That is fair. It is the beginning of the financial year.

**Ms M.J. Davies**: Pipe down, minister; I don't need your interference.

**Mr W.J. Johnston**: It's bloody obvious. Anybody reading the bill would know what 1 July is. It was such a silly question.

**Ms M.J. Davies**: Thanks very much. I have had quite enough of your input from last night. I do not need your interjections.

**Mr W.J. Johnston**: Stop interjecting.

**Ms M.J. Davies**: The Attorney General and I are doing quite well, thank you.

**Mr W.J. Johnston**: You're not letting the minister answer your question. How silly. If you want the minister to answer the question, stop interjecting. Stop being disorderly.

**The ACTING SPEAKER (Mrs L.A. Munday)**: Thank you, minister.

**Mr J.R. QUIGLEY**: The date "1 July" was chosen because we wanted a commencement date out from the 2025 election. It is the beginning of the financial year. Most organisations run their books from 1 July to 30 June, so I decided that if I started it on 1 July, we would be safe. It will be in effect well in advance of the election. I could have made it 31 December next year, but the parties would not have had time to get their heads around the new administrative rules. There had to be a date, so I chose the beginning of the financial year, when all the books start afresh.

**Ms M.J. DAVIES**: Can the minister clarify that no candidate, no political party and no third-party campaigner will need to adhere to the new caps or the expenditure or disclosure requirements prior to 1 July, even if they have commenced campaign-related expenditure?

**Mr J.R. QUIGLEY**: Correct.

**Clause put and passed.**

**Clauses 3 and 4 put and passed.**

**Clause 5: Section 4AA amended —**

**Ms M.J. DAVIES**: I seek clarification in relation to official agents for the appointment of scrutineers. Can the minister advise why this required updating or amending? I could not follow what was happening in the legislation.

**Mr J.R. QUIGLEY**: We are changing the reference in the definition from "secretary of the political party" to "registered officer of the registered political party". Having two registered officers will assist the commission in cases in which the person who would have been regarded as being the secretary is not available. During an election, the commission might have to urgently contact that political party, so we replaced it with officers and we have two of them.

**Clause put and passed.**

**Clauses 6 and 7 put and passed.**

**Clause 8: Section 5F amended —**

**Ms M.J. DAVIES**: This clause will amend the section relating to the functions of the Electoral Commissioner. There will be some modernisation of the language and it will bring in a new paragraph to allow the Electoral Commissioner to perform the function of a returning officer when that officer cannot exercise the function or it is necessary or convenient for conducting an election. Again, I am asking for a real example of when that might be required and why it was brought forward. I assume this is on advice from the Electoral Commission.

**Mr J.R. QUIGLEY**: I wish no ill to befall any returning officer, but people suddenly can fall ill or become incapacitated, and we cannot have an election held up waiting for a returning officer to recover. The returning officer is appointed in the first place by the commission, so it is not a case of delegatus non potest delegare—the delegate cannot delegate. The person with the authority delegates to a returning officer, and if that returning officer is incapacitated, the person who had the authority to appoint him could act as the temporary returning officer—that is, the commissioner himself—to get a result. If someone had heart attack—I do not wish that upon them—the whole election could be derailed for weeks.

**Clause put and passed.**

**Clause 9 put and passed.**

**Clause 10: Section 5I inserted —**

**Ms M.J. DAVIES**: This clause relates to the introduction of the inclusivity principle. Perhaps the minister can advise whether this was included on recommendation from the Electoral Commission or whether it was a government policy decision. In my second reading contribution, I commented that I was under the impression that the Electoral Commission was already required to create opportunities for as many people as possible to be enrolled and asked why it is necessary for the principle and the cohorts to be specifically mentioned. The opposition has no issue with acknowledging that particular cohorts are under-represented on the roll, but my understanding of the act is that that is the job of the Electoral Commission already, so why will we have a very specific list? Was it a recommendation from the Electoral Commission or was it a government policy decision?

**Mr J.R. QUIGLEY**: As I said at the start, none of this is government ideology. I think I referred to it before in the estimates hearings as rats and mice. These are matters that the Electoral Commission raised with me as not being required but would benefit from clarification for all officers at the commission. It will be in black and white for all officers at the commission. It was raised with me. Most of these matters, apart from donation amounts, were raised by the commission—I would say overwhelmingly. We had a new commissioner and a new Minister for Electoral Affairs. I sat down and said, "Well, we are going to do electoral reform. Can you give me some headlines and we will go through the act together and work out what you think will deliver the best result?" I have tried to do that.

**Ms M.J. DAVIES**: How does the commission propose that this is to be monitored, because it will be specifically mentioned in the bill that this is a requirement? Presumably, there will then be some sort of monitoring and reporting against these particular groups and some strategies will be put in place that will require resourcing. It cannot just be a nice and very virtuous inclusion in the bill. What practically will be done to report back on how the commission delivers on this inclusivity principle?

**Mr J.R. QUIGLEY**: There will be key performance indicators against which the Electoral Commission can be audited by the Auditor General. That is the first thing.

Secondly, there will be an increased effort by the commission to engage with the community. Additional resources for that will be looked at by the Expenditure Review Committee and subsequently the cabinet and the Treasurer. We are serious about these things. The rate of Aboriginal enrolment is a bit low and in some of the remote areas, it is very low. We want them all included as far as possible. There will be KPIs. There will be extra resources to the commission. I know that the member will examine me come next June, I think, on where we are up to on that, though the act will not have commenced.

**Dr D.J. HONEY**: Madam Chair—oh, he is still going.

**The ACTING SPEAKER (Mrs L.A. Munday)**: He is still on his feet.

**Mr J.R. QUIGLEY**: I will not take all the three minutes and 42 seconds, member. I can also confirm that the commission already employs two community engagement officers to engage with regional communities especially to try to lift the enrolment rate. We have two already out of the existing budget, but there will be a submission to the Expenditure Review Committee over the implications of this bill.

**Dr D.J. HONEY**: I am intrigued about why these groups have been selected. Surely it would have been better to have a general clause to say that the Electoral Commission should ensure that a special focus is put on under-represented groups. I will give the minister an example. In my experience, a community like the Indian community—I do not know why it is—just loves democracy, and the Indian community is very active in all levels of politics, local government —

**Ms M.M. Quirk**: That is a generalisation.

**Dr D.J. HONEY**: I know it is, but it is true. There was a vacancy for a councillor in Riverton and all five candidates were from the Indian community. It is an observation. My other observation is that people who have come from totalitarian regimes are very reticent to get involved in politics. They are very reticent to speak up and indicate any sort of political allegiance. I suspect that people from those communities are under-represented and a disproportionate number of people from those communities would not register to vote because they eschew politics. Their experience of being involved in politics is a negative thing and they should stay out of it. Why did the government not say to the Electoral Commission that it should identify and focus on under-represented groups, rather than choosing these particular groups?

**Mr J.R. QUIGLEY**: I thank the member for the question. I think—I am certain, in fact—that with proposed section 51 as originally designed, we were worried about accessibility to vote. A lot of these people have difficulty. If we go to, for example, what the member is talking about, yes, Indian people do love democracy. We have two people of Indian descent in the chamber now.

**Mr W.J. Johnston**: Three.

**Mr J.R. QUIGLEY**: Three. I am sorry. I apologise. Four because the Solicitor-General joins us this morning! I might be good at law, but I am not much good at arithmetic, am I? They say that is a failing of lawyers. Proposed

paragraph (b) refers to "persons who are from culturally and linguistically diverse communities". That would cover the sorts of communities the member has described. We would like to get those people involved in our democracy. As the member said, a lot of them love democracy and are scared of government. We have come up with these principles to energise the Electoral Commission with our two new community engagement officers and more to come to try to lift enrolment.

I am sorry; I referred to proposed section 51. I am corrected again; it is proposed section 5I. I thank the Solicitor-General. He has corrected me twice already this morning—once on his cultural background and again on my misreading of the numbers. It is to lift it up for everybody, member. It is not ideological in any way.

**Dr D.J. HONEY**: I do not know, but I suspect that in remote communities in the state generally, other than the Aboriginal people who live in those remote communities, enrolment for non-Aboriginal people would be low as well. I come back to the point again: why is there not a general requirement to ensure representation from unrepresented groups and that the Electoral Commission has a general responsibility rather than identifying specific groups? I am always worried when there is a choice of specific groups because the problem is whether there are unrepresented groups. We do not want to have that for a good democracy. We want our whole society evenly represented in the voting population. Why is there no generic clause?

**Mr J.R. QUIGLEY**: We have not got to the clause yet but, firstly, we will enrol people on the state roll from the federal roll. Secondly, in later amendments to this legislation, people can be enrolled from other databases such as drivers' licences. A lot of the people that this proposed section is trying to capture within its embrace are people who might not have drivers' licences or be registered with other agencies that feed into the Electoral Commission. In those circumstances, the commission will be energised by reason of this proposed section to give them a reasonable opportunity to enrol and to vote.

**Clause put and passed.**

**Clauses 11 to 14 put and passed.**

**Clause 15: Section 17 amended —**

**Mr J.R. QUIGLEY**: I have amendments standing in my name at clause 15. I do not know whether the amendments can be considered cognately.

**Ms M.J. Davies**: I think so.

**Mr J.R. QUIGLEY** — by leave: I move —

Page 23, line 28 to page 24, line 2 — To delete the lines and substitute —

(b) the person has lived in a district (the ***relevant district***) for a period of at least 1 month ending immediately before the day (the ***relevant day***) on which the person intends to vote in an election in the relevant district or a Council election (the ***election***); and

(c) on the relevant day —

Page 24, lines 5 and 6 — To delete "vote in the relevant district." and substitute —

vote.

Page 24, lines 15 to 18 — To delete "as a provisional voter under section 97G at an election in the relevant district or a Council election held on the relevant day; and" and substitute —

in the election on the relevant day as a provisional voter under section 97G; and

**Ms M.J. DAVIES**: Given that these amendments are on the notice paper, perhaps the Attorney General could provide us with an explanation as to why we are amending a bill that is already amending the act and the purpose of the amendments.

**Mr J.R. QUIGLEY**: Certainly. Clause 15 will amend section 17 of the act, "Who is entitled to be enrolled and vote". The bill currently introduces new subsection (2), which will provide for a person to be present at a place to vote on the day that they intend to vote to be enrolled and make a provisional vote. We discussed this in my second reading reply. The proposed amendment is to put beyond doubt that the ability to enrol and vote on the day applies at an early polling place and a mobile polling place, not just on polling day and regardless of whether the person presents at a place to vote in their district. This clause will be amended on the advice of the Western Australian Electoral Commission and to give effect to the policy intent of maximising the number of eligible voters. As written, when they attend a polling place on polling day, they can enrol on that day. The amendment as written did not cover early voting or mobile voting. When we did a final, fine toothcomb reading of the bill, the commission said we should extend this provision to not just voting day because it could cut out FIFO workers from that amenity. They will be able to do it on other days when they go to vote.

**Ms M.J. DAVIES**: Can the minister clarify for me what happened prior? We are seeking to resolve an issue, essentially, to make sure that anybody who wants to vote can vote in the right electorate on the day. That is my understanding. Can the minister outline for me, without these amendments, what happens if a voter turns up on election day and they are not enrolled? What happens under the current act?

**Mr J.R. QUIGLEY**: At the moment, if a person is not enrolled, they cannot vote on that day. If they have put in a registration card and it has not appeared on the roll because it has not been dealt with administratively, they will deal with a section 26 provisional vote. They will make a declaration that they have claimed enrolment before the polling day. If they have not registered before the polling day, they cannot vote because the rolls have closed.

**Ms M.J. DAVIES**: Was there any concern about or consideration given to providing this opportunity to people to provisionally vote and enrol on the day because of increased complacency by people about getting themselves on the roll?

Prior to an election, the Western Australian Electoral Commission runs a campaign to say that people need to be on the roll. This is people's responsibility; people who are given the privilege of a vote must have some agency. Now we are giving them a get-out-of-jail-free clause. I understand the principle of what we are trying to achieve, but was consideration given to the fact that it will probably be at cross-purposes to the call from the Electoral Commission prior to the closing of rolls, which is that people have a responsibility to enrol themselves and be involved in the democratic process?

**Mr J.R. QUIGLEY**: Yes. When I was a young lawyer, everything was black and white. The older I got, the less certain it all became because there was always a good competing alternative argument, and that is why we have shelves and shelves of law reports and appeal cases. It is a balancing act. Yes, we want everyone to enrol in good time before an election, but, yes, we want everyone to vote. What impact will that have on people? It is a balancing act.

It will be an unpublicised change. We will not advertise that people can enrol on the day, and we will not give any hint of that. Unless *The West Australian* picks up this argument and does a headline, which I cannot imagine, the public will not know, and everyone will be encouraged to be on the roll. Having been a member of this Parliament for quite a long while, the member must know that people do rock up to vote and have forgotten to register or they have changed address, the person who moved into their previous address has got on the roll at that address, the roll has been cleaned up and they are not on the roll. We want those people to be able to vote. There is a balancing act, but we think we have got it right.

**Ms M.J. DAVIES**: Thank you. The clause we have just dealt with is the inclusivity principle and includes the homeless cohort. What will happen when a homeless person turns up on the day? How will that get dealt with? Will it be in the same way and then the Electoral Commission will deal with it after the fact?

**Mr J.R. QUIGLEY**: If we take the homeless person as an example, a homeless person will claim a vote and be able to vote in the district in which they identify.

**Ms M.J. Davies**: That is a provision in the act.

**Mr J.R. QUIGLEY**: Correct. That is exactly what happens under the federal scheme. They can vote in the area that they identify with—if they couch surf at their rellie's house or whatever. We do not want the homeless disenfranchised because of their terrible economic circumstances.

**Ms M.J. DAVIES**: What analysis has the Electoral Commission done on previous elections about how many people who turn up on election day are not enrolled to vote? What numbers did it provide to say that this is an issue that requires resolving?

**Mr J.R. QUIGLEY**: I cannot give the member numbers, but I can give her this information: I am advised by the Electoral Commission that only approximately 10 per cent of the claimed provisional votes are validated. The other 90 per cent cannot be located on the roll. Those people are claiming a provisional vote but are not on the roll. Under the amendment, they will be able to vote if they enrol on that day and qualify. It will still be a provisional vote, but the process will not be checking to see whether they are on the roll; it will be applying to go on the roll. They will have to qualify as being an elector.

**Ms M.J. DAVIES**: Perhaps the Attorney General cannot give me numbers, but can he give me a ballpark? Is it hundreds or thousands? It is obviously an issue. He said that it is rats and mice among the issues that he is trying to resolve through the bill, but it is substantial enough to raise with him as the minister. Are we talking about hundreds of votes or thousands of votes?

**Mr J.R. QUIGLEY**: Take me out to the ballgame! I will give the member a ballpark figure. I am told that at least 1 000 provisional votes are claimed in each district.

**Dr D.J. HONEY**: From the experience of my family, I can say that there is great excitement once people turn 18 years old. Parents exhort their children to get themselves enrolled to vote so they can participate in the democratic

process. Of course, the carrot we wave is that my kids have strong political views, as the Attorney General might guess. I can say that they have very diverse political views—not all mine.

**Mr J.R. Quigley**: You have some enlightened members of the family.

**Dr D.J. HONEY**: I am working on them but to no avail. They were keen to be able to vote. I have a concern about this general provision, outside the amendments, which is that the default will be that people do not have to worry; they do not have to enrol because they can just leave it until polling day and enrol on the day. That goes to the Electoral Commissioner and the staff being able to cope on election day. At my polling booths, voters get very frustrated when they are waiting in big long lines, and that is not uncommon. Once, the long lines used to be at the end of the day, but people now get in early and get voting out of the way.

**Mr J.R. Quigley**: To get those sausages; they want the sausages.

**Dr D.J. HONEY**: They want the best cakes from the stalls and the democracy sausages. There are long lines of people, and the staff in the booths are completely overwhelmed trying to deal with it. I wonder whether we will see additional resources given on polling day. I anticipate that, once it becomes common knowledge that people can enrol on the day, a good number of kids who have turned 18, and perhaps migrants who have arrived, will simply not make the effort to do it beforehand. Many will not and will procrastinate, safe in the knowledge that they will still be able to vote. I have a genuine concern about the capacity of the booths to cope. Will additional resources be provided so that they have the capacity to cope and we will not have frustrated people waiting in long lines to enrol before they can vote?

**Mr J.R. QUIGLEY**: The Electoral Commission cannot do anything about the length of the lines; that is when people choose to vote. Addressing the point the member raised, we are allowing provisional registration at the age of 16 years, which will happen while children are at school. They will be educated about the electoral system. As I have said previously during consideration in detail, there is a balancing act. We do not believe that this amendment will cause a substantial shift in the way that people register. We believe that the amendments will encourage people to register younger and earlier, but we want to make sure that everyone who is eligible to vote is able to vote.

**Amendments put and passed.**

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

**Clause 16: Section 17AA inserted —**

**Ms M.J. DAVIES**: I understand that this clause will allow 16-year-olds to be put on the voting roll. In his second reading reply, the minister mentioned that this provision had come from the commonwealth; it is already done. I was not familiar with that, so I have some questions about what information this will allow people to access through the Electoral Commission roll. I understand that the Electoral Commission is required to make the roll available in its office. If a 16-year-old goes on the roll, will they be on it as a silent voter? Will that mean that someone who walks into the Electoral Commission office will not be able to see the details of 16-year-olds? Who will have access to that information? Will political parties have access to it? I, like many members of the government, see 16-year-olds when I am signing birthday cards and I communicate with them in my electorate office.

**Mr J.R. Quigley**: No-one has ever sent me one!

**Ms M.J. DAVIES**: In my electorate, people have to hit a big birthday to get a birthday card from me—18 years old, 21 years old, 80 years old, 90 years old and 100 years old! Every month in my electorate I sign cards for 101st, 102nd and 103rd birthdays.

**Mr J.R. Quigley**: It is the country air!

**Ms M.J. DAVIES**: Yes, it is; it is amazing!

Anyway, that is the other end of the spectrum to what we are talking about, which is people who are 16 years old.

**Mr D.R. Michael**: I will send you a card in three weeks!

**Ms M.J. DAVIES**: That is very kind!

The minister can see what I mean. Sixteen-year-olds are on the roll and then they essentially become political commodities. Who will be able to access their information? I am not sure that many people know that they can just walk into the Electoral Commission and ask to see the roll in its entirety, but people can do it, as I have discovered reading this bill with a fine toothcomb.

**Mr J.R. QUIGLEY**: I thank the member for the question. Of course, we want to protect the privacy of our children. We do not want their addresses and all that detail the member referred to to be broadcast. One of the amendments that we will come to subsequently is about the register of voters. This will introduce a new concept that the commission will keep an electronic register of all the people it has registered, and from that register a roll of eligible

voters will be extracted and that will become the electoral roll. The roll will have a list of people who are eligible to vote that has been extracted from the electronic register, and children are not eligible to vote so they will not appear on the roll. They will be registered and when the date comes around and they turn 18 years old, they will eligible to vote and pop up on the roll. That has to do with the computer program. A person will not be able to examine the register of voters; they will be able to examine the roll.

**Ms M.J. DAVIES**: Will the list that will be provided to members of Parliament be the roll and not the register?

**Mr J.R. Quigley**: Correct.

**Ms M.J. DAVIES**: Therefore, no member of Parliament will have access to the register.

I come back to the rationale for having 16-year-olds included on the register at all. Who will communicate with them? Who will have the capacity to use that information?

**Mr J.R. QUIGLEY**: I hope their parents and their teachers communicate with them and not politicians! At the moment, children register. At the moment, the legislation provides for 17-year-olds to register. The commonwealth has 16-year-olds on its register. Because we are registering people from the commonwealth register, we want to bring things into alignment. A 16-year-old will be able to register for the commonwealth and Western Australian roll. In both instances, they cannot vote, but we will be in alignment with the commonwealth so there will be no confusion.

**Ms M.J. DAVIES**: Can I take it that the only reason they would be enrolled to vote at 16 or 17 years old is that once they hit voting age, they will already be on the roll, and there will be no communication from government departments or the Electoral Commission other than to confirm that they are on the register, and government agencies or departments will not be able to access that information? I understand that the public and members of Parliament cannot do so. Is it simply being done so that when they turn 18, they will appear on the electoral roll? Is my understanding correct?

**Mr J.R. QUIGLEY**: Under this legislation, people under the age of 18 will be regarded by the commission as silent electors, so the only communication they will get from a government department or agency will be a letter of acknowledgement from the commission of their registration—that will be it.

**Clause put and passed.**

**Clauses 17 and 18 put and passed.**

**Clause 19: Section 18 amended —**

**Ms M.J. DAVIES**: I presume this clause goes to the creation of the register we were just talking about. Could the minister provide a little explanation about why we are shifting to this —

**Mr J.R. Quigley**: No.

**Ms M.J. DAVIES**: No; have I got that wrong?

**Mr J.R. Quigley**: Clause 19 will amend section 18, and regards disqualification.

**Ms M.J. DAVIES**: Sorry.

**Mr J.R. Quigley**: Do not say sorry. It is complicated because there are so many amendments.

**Ms M.J. DAVIES**: I have the bill and the amended act going at the same time.

**Mr J.R. Quigley**: We both have to accommodate each other because this is so complicated.

**Ms M.J. DAVIES**: Does this clause relate to people not entitled to vote being enrolled and provide for circumstances in which people will be disqualified from voting? Is that correct?

**Mr J.R. Quigley**: Yes.

**Ms M.J. DAVIES**: Could I have an explanation about the change of terminology? In the second reading speech, there was reference to people of unsound mind being subject to a lack-of-capacity notice. I think a clause much later in the bill deals with this, and if it is better to ask questions about this at that stage, I am happy to do that. I think clause 41 deals with how the enrolment process is undertaken. I seek clarity about what this clause does, and then I can deal with some of the other issues in debate on clause 41 if that is a more appropriate place.

**Mr J.R. QUIGLEY**: Do not deny me the opportunity to give my little prepared spiel on clause 19! Part of it is about modernisation. "Person of unsound mind" is an archaic term and "mental impairment" is the preferred term. "Mental impairment" is a term used in the Criminal Code Act Compilation Act 1913 and in the Criminal Law (Mental Impairment) Act 2023, which the member will recall this chamber and Parliament passed earlier this year. In addition, the unamended act automatically disqualifies a person of unsound mind. This is where we go back to section 41. The bill will establish a new scheme whereby persons with mental impairment, such as those lacking the

capacity for the purpose of casting a vote, may lose the entitlement to vote. The scheme will set up natural justice—we will go to those sections later—so that a person must be given notice of the intention to remove their name and they will have a right to be heard by way of a written application setting out the grounds. Other modernisation provisions in the clause will make terms consistent with commonwealth legislation, including a temporary entry permit becoming a temporary visa and a "prohibited immigrant" becoming an "unlawful non-citizen" under the Migration Act 1958. We are modernising the terms. The member is right, the procedure by which someone might be found to be of unsound mind is dealt with later in the bill.

**Clause put and passed.**

**Clause 20 put and passed.**

**Clause 21: Sections 19 to 30 replaced —**

**Ms M.J. DAVIES**: Have I got the right clause on the register of electors?

**Mr J.R. Quigley**: Yes.

**Ms M.J. DAVIES**: Could the minister explain the rationale for shifting from the current practice to what is being proposed? There are quite substantial changes. Why has it been recommended? I presume it was recommended by the Electoral Commission as a result of discussions about the modernisation of the bill.

**Mr J.R. QUIGLEY**: Thank you for the question. Yes, the bill adopts the approach taken in Victoria and New South Wales. I looked around the country for best practice. A register of electors is the source of all enrolment information from which electoral rolls are drawn and certain enrolment information is provided to candidates, parties and the public. The Western Australian Electoral Commission already has a database on which enrolment information is stored and from which rolls are produced. It was recommended that we follow the Victorian model. The bill codifies existing practices and sets out additional rules for the maintenance, revision and release of information from that register. Parties, candidates and the public will continue to have access to the same information as provided in the unamended act. These provisions have been drafted in close consultation with the Electoral Commission.

There will be a register of electors from which rolls for elections will be drawn. Provisions about rolls for election now commence at part IV division 1A—proposed section 76AA. Provisions about accessing enrolment information are now in proposed part III division 6, replacing sections 25 to 25E. We are trying to follow best practice from around Australia in creating the register. Obviously, the Electoral Commission keeps electronic records at the moment. We are formalising that into a register and deciding what will go onto the roll and what people can access. With the advent of computers, the Electoral Commission started to use databases, but we want to formalise that into best practice in Australia. That is why I looked at the other states.

**Ms M.J. DAVIES**: To make it clear: has that already been done by the Electoral Commission? Is it already operating in that way? Will the bill ensure it has the legal capacity to do it and it is not in contravention of the act as it stands at the moment?

**Mr J.R. QUIGLEY**: There is no contravention of the act at the moment. There is a database and the commission creates a roll from it. This legislation will codify what people can access and what goes onto the roll. It gives de jure to what has been de facto practice.

**Dr D.J. HONEY**: Is the bill an enabler for electronically recording attendance at the polling booth versus the current practice of ruling out an address? My grave concern in elections is the possibility of multiple voting. To be frank, the identification requirements are weak. Someone could attend all booths. In my electorate, I think there are eight booths. It would be quite possible for a person to attend all booths and vote eight times, and all eight votes would stand. It is impossible to single them out. My party has not looked at this for some time, but I do recall some years ago our women's division was concerned about this. It looked at some electorates in which it was a close vote and identified multiple voting under the same name across a number of booths in different electorates. At the end of the day, nothing was done about that.

Multiple voting would be trivial if we had electronic registration of voters at booths. It would eliminate the possibility of illegitimate multiple voting, because once a name and address had been crossed off the system digitally it would raise a red flag if someone attempted to vote at another booth. I wonder whether we intend to go to that system. I will use my time to say that I strongly encourage that because I think there are a couple of weaknesses in our current system. The first is that the identification requirements are weak and the second is that it is entirely possible for someone to vote at all of the booths in an electorate and it is likely that it will not be picked up. There would be no way of recording that they had done that unless the Electoral Commission was intending to install cameras.

**Mr J.R. QUIGLEY**: I take the member's point. We would have to buy and issue thousands of laptops and have wi-fi, or 5G, available in each polling place, and I am not sure whether that is available in the regions. The laptops

would be used for 11 days and then put in a cupboard until the next election by which time the laptop system would probably be out of date. Yes, I take the member's point. At the moment, if a person votes in Cottesloe, they get their name crossed off. They think, "I'll be sneaky; I'll now go up to Butler and vote Liberal up in Butler." They do it again and they get their name crossed off again as an out-of-district absent voter. When the votes come in and are checked off against the person who has voted, multi-voters will be picked up and will be, and are, referred to police for prosecution because they are trying to disfigure our electoral system.

**Dr D.J. HONEY**: The problem is that they are not detected. I agree that there is no question that if someone has cast a provisional vote, there will be physical evidence of a signature and fingerprints that could be investigated by the police. However, in my electorate they can vote at the civic centre and then pop down to North Cot, over to Cot, on to St Hilda's school, North Cottesloe Primary School and Swanbourne Primary School, and then on to City Beach and Churchlands Primary Schools as well. There is no way that will be detected, unless some sharp-eyed person happens to see that person going to the different booths. The only identification check is that at each booth the voter gives a legitimate name and address. They then get a ballot paper and vote. Outside of an external reference, there is no way that is captured. The Minister for Electoral Affairs talks about the resourcing requirement, but this is why I am a strong advocate of moving to electronic recording of people attending the booths. It would not mean that the wrong person might not vote once, but it would remove the opportunity for a person who is otherwise minded to vote several times within a particular electorate. It is not a problem generally, as the margins are reasonably large. However, the minister knows that a number of elections have been decided by a very small handful of votes, especially when it comes to tipping preferences to one candidate or another. Often that can decide the election.

I think this is a real issue. As I said, there are two critical weaknesses: that issue is one and the second is that the identification requirements are weak. People simply have to know someone's name, address and date of birth. I can find that out by just reading the electoral roll.

**Mr J.R. QUIGLEY**: What the member is saying happens in Cottesloe is giving life to the old saying, "Vote early and vote often"! They do not do that in Butler; they vote once. People will be detected if they vote at North Cottesloe Primary School and Cottesloe Primary School, and then vote down on the beach. They will be prosecuted as a multi-voter.

**Dr D.J. Honey**: How will they be detected? They could choose the name of a person who was recently deceased.

**Mr J.R. QUIGLEY**: It will be after the declaration of the poll, but it will be detected when the rolls are checked. They will see that young Master Honey—the errant son the member referred to earlier—has voted Labor six times around Cottesloe. However, he will be detected and he will be prosecuted as a multi-voter. The polls will have been declared, but if it has affected an election, the candidates can always challenge the election in the Court of Disputed Returns on the basis that people voted early and voted often, which is absolutely illegal. They will be detected.

I do not know for how long I will be the minister. I would like to see it all done electronically one day, but we are not there yet. Perhaps one day there could even be electronic voting at the booths—who knows? That is all years down the track. We are modernising the system; we are getting there. Multi-voters will be prosecuted.

**Dr D.J. HONEY**: I think the minister is missing the point. Yes, a legitimate person such as one of my errant children could vote multiple times, particularly for the wrong party, and get their name crossed out. However, I could use any name at a polling booth. I could use Bill Bloggs. I could identify people who were recently deceased but who were still on the roll and I could use their name multiple times. There is no way of detecting that, outside of someone observing it. If people are using someone else's name when they go to those other booths, they can still vote multiple times, and that is my concern. Whereas if there was a digital system, in the circumstance of a recently deceased person who is still on the roll—it is easy enough for people to find that out—at least there could be only one illicit vote that might be discovered ultimately. There is no guarantee whatsoever that the system as it is would detect the person and lead to a prosecution.

**Mr J.R. QUIGLEY**: Detecting fraud is always a challenge, no matter what area we look at. Whether it is social security fraud or voting fraud, any area of human enterprise carries the risk of fraud. We have a system in which if there are multiple votes, people will be prosecuted. If multiple votes affect an election, the election could be set aside. It is clear.

**Clause put and passed.**

**Clauses 22 to 28 put and passed.**

**Clause 29: Sections 37 to 39 replaced —**

**Ms M.J. DAVIES**: This clause covers the regulation-making power in relation to enrolment and will insert new sections. I understand an increase will be made to the penalty that can be applied if someone fails to do what we have just been talking about, which is enrol and vote. I think it was a $20 fine previously.

**Mr J.R. Quigley**: And now it will be $50.

**Ms M.J. DAVIES**: It will be $50. It will not break the bank. It probably will for a few people in today's cost-of-living crisis, but it is right that it will be increased; $20 is pretty nominal. One of the questions I have in and around this is: how many fines were issued for the last general election? I contrast that with some of the recent by-elections. What work does the Electoral Commission do to recover the funds? I understand that it issues a fine, but is there a follow-up to that, and how much is recovered?

How many fines were issued in the 2017 general election and the 2023 by-election? Is there a point of no return at which the commission stops trying? Is it really something that acts as a deterrent for people who do not vote? What happens if ultimately they do not pay?

**Mr J.R. QUIGLEY**: I wish the member could help me, having exposed my deficiencies in arithmetic thus far.

**Ms M.J. Davies**: That is not my forte!

**Mr J.R. QUIGLEY**: I can give the member this information. In relation to the 2021 election, $1.659 million in fines was paid to the Western Australian Electoral Commission—the member can divide that by 20—and a further $1.825 million was paid through the Fines Enforcement Registry. That might have included costs as well. I am sorry, member, but it is difficult for me to divide that figure by 20 and come up with a number. I have given the total amounts. It is significant; it comes to nearly $3.5 million.

**Ms M.J. DAVIES**: Just to be clear, is that for not being enrolled or for not voting?

**Mr J.R. Quigley**: For not voting.

**Ms M.J. DAVIES**: So that I am clear on this clause, the regulation-making power that we are talking about is for enrolment. I am trying to be clear in my mind whether there will be a penalty for not enrolling and also for not voting, or is it one and the same thing?

**Mr J.R. QUIGLEY**: It is not part of the bill to prosecute people who have not enrolled. It is very hard to find them. How can we find people who have not enrolled? They are out in the community hiding. We would not know. It will be a $50 fine for the offence of breaching the regulations, but we cannot fine people who we do not know. I do not know whether that satisfies the member.

**Ms M.J. DAVIES**: It is not a trick question. It is a regulation-making power in relation to enrolment. In my mind, I had assumed it was about not voting. Is that correct?

**Mr J.R. Quigley**: That is true.

**Ms M.J. DAVIES**: Right. What is true of what I just said? I am thoroughly confused, minister!

**Mr J.R. QUIGLEY**: Most of what the member says, apart from the exceptions to that!

It is true that if someone who is on the roll does not vote, they will be fined. When the member asked whether they would be fined for not voting, I said that was true because if they are on the roll and have not voted, they will be fined, but we cannot fine people for not going on the roll. The register can be grown by referencing other governmental databases like drivers' licences. Someone who is on the register but has not enrolled or voted properly will be pinged.

**Ms M.J. DAVIES**: Does the minister have any figures for the by-elections? Obviously, that is a different beast. We have had two. One for Rockingham and the other for North West Central. Does the minister have those figures to hand to give us an idea of how much the Electoral Commission garnered from non-voting?

**Mr J.R. QUIGLEY**: I do not have those figures to hand but I could take that question on notice. One of the member's colleagues in the Council can provide a question on notice and I will get the commission to come up with those figures. I am sorry that I cannot at the moment.

**Ms M.J. DAVIES**: What would happen if a person did not pay? Obviously, there will be a first request and that would go through the Fines Enforcement Registry. It would send a pretty scary letter to say that someone has forgotten to pay a fine. I may or may not have received one of them in my lifetime due to not paying attention in my busy life. The person would either pay it or not pay it. Ultimately, what would happen? How many people do not pay those fines?

**Mr J.R. QUIGLEY**: As I said, the commission will send a notice saying that the person has not paid the fine and then a second notice and then a final notice. As a result of those three efforts, some people will pay the fine. The fines paid after those demands comprise the $1.6-odd million received by the commission. Those who fail to respond to the three notices will get referred to the Fines Enforcement Registry. The efforts of that office have resulted in the collection of a further $1.8 million. I cannot give the member the actual number of electors, but I can tell her that voters with fines amounting to $1.8 million did not pay their first three notices and were referred to the Fines Enforcement Registry. The member and I both know, because we were in this chamber, that we reformed the fines enforcement regime so that people could not be imprisoned. If they were outside a certain postcode, their

licence could not be suspended either—perhaps in some of the member's electorate where there is no public transport. Otherwise, the normal fines enforcement procedures will prevail.

**Ms M.J. DAVIES**: I have one last question on that matter. Will that money go back to the Electoral Commission or into consolidated revenue?

**Mr J.R. QUIGLEY**: The Electoral Commission fits within my portfolio. I would love it to come back to the commission but all fines end up in consolidated revenue.

**Clause put and passed.**

**Clause 30: Section 40 replaced —**

**Ms M.J. DAVIES**: I have a quick question on this clause that relates to changes to the register of electors that requires that certain persons can be removed. Can the minister explain what will happen if the Electoral Commission proposes to remove a person from the roll? How will they be notified? Would that occur before or after the person is removed? What information will the commission use to base its decision on to remove someone from the roll? I presume that the Registrar of Births, Deaths and Marriages will come into this at some point in the case of a death. I have to say that I have sent birthday cards to people who are no longer with us, which is awkward when the family brings the card back. I tend to check before I send birthday cards for people turning 100 because it is more likely that I might offend someone! We would normally think that the electoral roll is spot-on when sending a birthday card to a 70 or 80-year-old. We try to minimise the awkwardness for the families. I do not get many birthday cards, but they are appreciated by that generation and I would like to keep doing it. Perhaps the minister could explain how people will be notified when the Electoral Commission removes a person from the electoral roll. Obviously, someone who has passed would not be notified, but will other people get notified that they will be removed from the roll before or after it happens, and what recourse will they have?

**Mr J.R. QUIGLEY**: Proposed section 40 says —

> (1) The following persons must be removed from the register of electors —
>
> (a) subject to section 51A, a person who is not entitled to be enrolled, including under section 18;
>
> (b) a person who, from information supplied by the chief executive officer as defined in the *Prisons Act 1981* … appears to not be entitled to be an elector;
>
> (c) a person who does not appear to live in the district for which they are enrolled, unless the person is enrolled under section 17(4), 17A or 17B.

Here is the crux of it —

> (2) If a person's name appeared on the register of electors and was removed under subsection (1), an enrolment officer must give notice to the person stating —
>
> (a) the person's name was removed from the register of electors under subsection (1); and
>
> (b) the person may be enrolled again if the person makes and sends a claim to be enrolled.

That claim would be assessed at that time. Practically, the Australian Electoral Commission does most of the roll cleaning, but there is the legislative capacity for the state commission to do it as well. A person must be given notice that it has happened and advised that they can still make a claim.

**Clause put and passed.**

**Clauses 31 to 33 put and passed.**

Debate interrupted, pursuant to standing orders.

[Continued on page 5435.]