

Mr John Quigley; Mr John Hyde; Mr Bill Johnston; Mr Rob Johnson; Mr Joe Francis; Mr Mark McGowan;
Deputy Speaker; Mr Paul Papalia; Ms Margaret Quirk; Mr Peter Watson; Mr Tom Stephens; Mr Ben Wyatt;
Acting Speaker; Dr Kim Hames

ELECTORAL AMENDMENT (MISCELLANEOUS) BILL 2008

Second Reading

Resumed from 31 March.

MR J.R. QUIGLEY (Mindarie) [7.57 pm]: This bill came on after the decision in *Roach v Australian Electoral Commissioner* and the Commonwealth striking down commonwealth legislation that disenfranchised all serving prisoners from voting in commonwealth elections. In 2007 Western Australia passed similar legislation that replicated the commonwealth legislation and also disenfranchised all prisoners voting in a state election; that is, anyone serving a term of imprisonment. In *Roach's* case in the High Court, in which *Roach* litigated against the Australian Electoral Commissioner and the commonwealth on the basis that her disenfranchising was unconstitutional, the High Court struck down the commonwealth law. The High Court having struck down the commonwealth law, the situation returned to what it had been before the legislation, meaning that in a federal election any prisoner serving three years or less was entitled to vote. This legislation reinstates the position as it was before March 2007 but raises one anomaly that I would raise with the minister; that is, it returns Western Australia to where it was before the March 2007 amendment, which prescribes that any prisoner serving one year or less is entitled to vote. We therefore have an anomaly in which a prisoner serving two years, two-and-three-quarter years or whatever, is entitled to vote at the next federal election, but a prisoner serving between one and three years, on the other hand, while being able to vote in a federal election, would not be able to vote in a state election. This then raises the issue of maintaining two separate rolls—a roll for the federal election and a roll for the state election, insofar as it impacts on sentenced prisoners.

I do not understand why this difference between the commonwealth and the state is being reinstated. I realise the amendments in this bill were brought in before the appointment of the current minister. The last government mooted this legislation. I do not understand why we are doing it differently from the commonwealth, unless the commonwealth has already given an undertaking to amend its legislation to make it one year as well. I would like to know what the cost is to Western Australia of maintaining a second roll, because an electoral roll is maintained by the commonwealth. It is maintaining its roll to permit prisoners serving more than one but less than three years to vote in a federal election, while this legislation would not allow those prisoners to vote. I do not rise in this chamber on any ideological point, but it is hard to think why a prisoner serving between one and three years would be permitted to vote in a commonwealth election but would not be allowed to vote, for example, in a state referendum such as that which we are having this Saturday on daylight saving. There is a cost in this somewhere of maintaining a separate roll for Western Australian prisoners.

That is my principal point; otherwise, I totally support the legislation, because it provides that people without fixed addresses will now be able to vote in state elections, which they could do at federal elections. As pointed out by the minister in his second reading speech, this is especially important for many people who might sell their family home and join the army of grey nomads who spend a number of years in retirement wandering around this wonderful state and country without a fixed address other than a caravan park or suchlike. The legislation provides a scheme of criteria that must be met by people seeking to have their name on the electoral roll. They will be ascribed an electorate according to the criteria in descending order from the last electorate they enrolled in down to the electorate they have most interest in or connection with. We support that provision.

Another very sensible provision of the legislation provides that on election day candidates are allowed to hand out how-to-vote cards and thereby solicit votes, which is currently against the law in Western Australia and can lead to challenges in the Court of Disputed Returns. One wonders what the reasoning was behind that prohibition; however, it will be repealed. I am sure that many candidates have been caught out when they have bumped into constituents who have engaged them in conversation while visiting polling booths even though they were not handing out how-to-vote cards. I am sure that if those conversations had been taped, it could be shown that there was some element of soliciting the constituents to support a candidate. Sensibly, that element is to be removed, but there is to be a prohibition on the candidate being closer than six metres to the entry of the polling place. I do not know what that means or what is the definition of “entry point”.

Dr K.D. Hames: I assume you know that everyone has to be six metres from the front door.

Mr J.R. QUIGLEY: Is that from the gate of the schoolyard?

Dr K.D. Hames: It is always six metres from the front door of the polling booth. That is where we always set up our booths, and the same applies to everyone; members are not allowed to be closer than that.

Mr J.R. QUIGLEY: We always set them up at the front gate of the school, but we do not go into the school.

Dr K.D. Hames: You're in error in your booths.

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Mr J.R. QUIGLEY: We are a bit too conservative. It did not hurt us, because the swing towards us in Mindarie shows that between the gate, where I was, and the front door, they did not change their minds. But I take the Deputy Premier's point: it should not be closer than six metres to the front door. This is a good amendment. People will not be caught out soliciting votes by talking to constituents.

As I have said, I will be interested to explore during consideration in detail why a prisoner who is serving a sentence of between one and three years is able to cast a vote in a federal poll, but is barred from doing so in a state poll. That does not make a lot of sense, unless the commonwealth has given an undertaking or indication that it intends to delimit the franchise in a federal election, but the commonwealth has not amended its law since the Roach case. I shall not take up more of the chamber's time at this stage, other than to say that we support the legislation.

MR J.N. HYDE (Perth) [8.03 pm]: I also support this legislation in general, but I have some hesitations. I urge the Deputy Premier to consider an amendment to the Electoral Amendment (Miscellaneous) Bill to bring it in line with the federal legislation. In Western Australia, only prisoners serving sentences of one year or less are able to vote. I believe there should be parity with the federal legislation, which provides for sentences of three years. It has been a great injustice in our community that prisoners have been denied the right to vote. Clearly, the High Court has seen the fallacy of the federal legislation, which prohibited that right. I argue that Australia is in breach of several international treaties, Minister for Police, in denying the human rights of prisoners through the exclusion of the right to vote in recent years.

Mr R.F. Johnson: Are you more interested in the rights of prisoners than you are in those of the victims they beat up, stole from or murdered?

Mr J.N. HYDE: Is the minister going to vote for the government's legislation, which gives prisoners the right to vote?

Mr R.F. Johnson: I will vote for the government's legislation.

Mr J.N. HYDE: The minister will vote with the government; he does not know what the legislation does.

Mr R.F. Johnson: I certainly do.

Mr J.N. HYDE: He was just arguing against it.

The opposition supports the government for supporting most of our legislative changes, but I urge the Deputy Premier to consider an amendment that would bring the bill into line with the federal legislation.

Clause 6 relates to people with no fixed address. This issue is particularly pertinent to people in Western Australia. Although examples have been given of the grey nomads who live in our wonderful caravan parks, clearly many people in Indigenous communities choose to live a nomadic lifestyle and do not have a fixed address. This change to enable people without a fixed address to be registered to vote is long overdue. Again, I argue that this is an area of basic human rights in which Australia and Western Australia has been lacking.

The ruling of the High Court that a total blanket ban on voting by prisoners is unconstitutional is welcome. It is a tragedy that legislation that excluded prisoners from exercising their right to vote was introduced, albeit under the government's proposal that right will be restored to some prisoners, although to only a minority of prisoners, being those serving a sentence of one year or less.

Mr C.C. Porter: Why do you say that that is a minority?

Mr J.N. HYDE: It is in terms of the sentences of prisoners.

Mr C.C. Porter: I do not have the statistics handy, but it may well be that most prisoners serve a term of one year or less.

Mr J.N. HYDE: I would support an amendment to change it so that it applies to those who actually serve sentences of one year or less. Unfortunately, the wording of the legislation indicates that it applies to those who are sentenced to one year or less; it does not allow for parole provisions.

Mr C.C. Porter: Again, that might also be a majority. I do not have the statistics, but it would be a sizeable number of the total prisoner population.

Mr J.N. HYDE: My understanding is that it is not, but I would welcome a change to widen it, as would the human rights-conscious police minister, so that parole periods and other concessions are taken into account. Perhaps during the consideration in detail stage the Deputy Premier, who I know is on top of the intricacies of the bill, will be able to provide an answer to that question without an adviser. However, I fear that it means the actual sentence, not the time served.

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Clause 12 allows those who are in lawful custody to apply for a postal vote. Clearly, this will put a stop to the previous situation in which many party officials manned ballot boxes outside prisons on polling day. It will make the system easier for both prisoners and democracy by enabling the superintendent or chief executive officer of a prison to ensure that postal voting can occur.

Another very interesting provision in this legislation is in clause 13, which relates to overseas electors. At any one time, more than one million eligible voters are living or travelling overseas. The Parliaments of a number of countries, such as Italy in Europe and the Philippines in the Asian region, have dedicated members of Parliament who represent citizens who live overseas. Australia is in a situation whereby five per cent of Australians—one million—live overseas. It is time to look at Italy, the Philippines and other countries' models to see whether we should enfranchise those Australians who choose to live overseas and, in many cases, are supporting our economy by sending money back here.

Mr F.M. Logan: It is something a parliamentary committee could look at.

Mr J.N. HYDE: It is something a parliamentary committee should look at, but I am cost conscious and unused to overseas travel. Some of my campaigning has been in the lounge at Changi prison. One million Australians live overseas and come election time a fair swag of them can be found walking down the corridors on their way to B26 for QF76 leaving Singapore Changi —

An opposition member: You said Changi prison.

Mr J.N. HYDE: Sorry, I should have said Changi airport, although those Australians in Changi prison would be given a vote under this legislation.

This bill is about making it easier for overseas electors. I have a number of people from my electorate who, due to their skills and the economic times, have lived overseas for many years. I understand that the existing legislation states that technically a person away from Australia for six years is not entitled to a vote. Under this legislation, Australians will be eligible to register as an early voter and those who do so will be notified of when an election will be held and will be sent postal voting material. That actually enfranchises those Australians who choose to live overseas.

The other change under clause 15 gets away with that silly anomaly that, like the *Marie Celeste*, candidates can on election day roam around the electorate looking for a port to berth at without having interaction with a voter by handing out a how-to-vote card. This legislation brings Western Australia into line with the commonwealth legislation to ensure that candidates, like any other human being, are able to hand out a how-to-vote card so long as they are six metres from the designated entrance to the polling place.

I urge support for this legislation and I hope it passes quickly. I urge the Deputy Premier to consider potential amendments to bring Western Australia into line with the commonwealth legislation, which gives prisoners who have up to a three-year prison term the right to vote.

MR W.J. JOHNSTON (Cannington) [8.13 pm]: In addressing the Electoral Amendment (Miscellaneous) Bill, I pay tribute to the former member for Fremantle, Jim McGinty, who was the Minister for Electoral Affairs under the last government and brought forward most of the proposals that we are debating. Members would be aware that many of the provisions in this bill have been brought forward previously but were not dealt with by the last Parliament.

The first issue referred to by the Deputy Premier in his second reading speech was the question of prisoner voting rights. It is an appropriate response to the decision of the High Court that the government is reinstating prisoner voting rights in the circumstances that are outlined in the bill.

I note the contribution by the member for Mindarie and the member for Perth who both recommended to the Deputy Premier that he consider harmonising the voting eligibility to the commonwealth act, which provides for a three-year arrangement; that is, if a prisoner is sentenced to a term of imprisonment for up to three years, he or she be given a vote.

I note the media release of 15 May 2008 by the now Attorney General in his role as opposition spokesperson on electoral matters, which, according to my notes, was headed, "McGinty: Give sex offenders and cyber predators a vote." The media release referred to the former minister's proposal to do what the members were suggesting. I make the point that I am not saying that the Liberal government is giving people who break into homes or steal cars a vote or that it is about the Minister for Electoral Affairs, Hon Norman Moore, extending the franchise to people who break into houses and steal televisions, because that would be totally gratuitous and ridiculous.

Mr C.C. Porter: There is a qualitative difference.

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Mr W.J. JOHNSTON: The Attorney General might say that, but anybody can make a point in a political debate that reflects badly on their political opponent, but equally mature people who are elected to this Parliament should reflect on the purpose of the legislation. If we are trying to harmonise, and it is a good idea to harmonise the electoral roll between the federal and state arrangements, is that not the purpose rather than criticising Mr McGinty by saying that he was trying to give the vote to sex offenders? According to my notes the media release states —

Jim McGinty's proposed changes to Electoral Act will give offenders sentenced for crimes of violence, sexual offences, drug offences and offences against children (including cyber predators) the ability to vote for Labor at the next State election.

We could not find a more inflammatory comment from anybody involved in politics.

Mr M. McGowan: Who said that?

Mr W.J. JOHNSTON: The now Attorney General said that. My point is that Jim McGinty's proposal and the suggestion by the two members who have spoken in this debate is not giving people an opportunity to vote for Labor; the proposal is giving people the opportunity to vote for whomever they choose to vote.

The Attorney General can make these gratuitous comments, and he is perfectly entitled to do so and I am sure he will do it again, but if we deal with these issues in a mature way I do not think that harmonising the electoral roll between the commonwealth and the state should be responded to with the terminology he used.

We could, had the Labor Party chosen to, have opposed the extension of the franchise to people who were sentenced at all by maintaining the status quo and not giving the vote back to people who have been sentenced for less than 12 months. It would allow a prisoner to challenge the matter in court. We are dealing with the state jurisdiction; not the commonwealth jurisdiction. We do not know what the court would find. However, we are not doing that because it would not be a sensible approach. We are treating this bill in the appropriate way.

It is sad that in May last year the Attorney General in his role as opposition spokesperson on electoral matters was not prepared to act in the mature way that the Labor Party is acting on this bill by presenting the facts to the community on what the bill is dealing with rather than taking an inflammatory approach by saying that it is about sex offenders voting for Labor. Members on this side of the house are not saying that all rock spiders vote for the Liberal Party. I am not saying that.

Mr C.C. Porter: It is suggested that he actually said that.

Mr W.J. JOHNSTON: It has been suggested to me that that is the case, but I am not saying it.

Mr C.C. Porter: The former member for Fremantle did.

Mr W.J. JOHNSTON: The former member for Fremantle may have, but I am not saying it. I will not get into the gutter politics that the Attorney General did in his media release in May last year. It is a sensible amendment to the legislation that it moves towards harmonisation.

Mr C.C. Porter: Is it a good idea to harmonise?

Mr W.J. JOHNSTON: That is exactly what we did.

Mr C.C. Porter: I know it is. Is it a good idea?

Mr W.J. JOHNSTON: I will talk about harmonisation. There is one thing that we should not harmonise. The member for Mindarie said that Western Australia along with Victoria were the only two states that maintain a separate electoral roll. The other states use the commonwealth roll for their state elections. In my former occupation I used to talk to the various electoral commissioners about the difference between the two rolls. In their annual reports and elsewhere they included a summary analysis between the differences in the two rolls. Prior to the Howard amendments, as the Attorney General described them, there was a difference between the two rolls of about 130 to 230 people, which is not bad in a roll of about a million people. However, that gap has been widening since the Howard amendments, because the Howard amendments made it very difficult for people to enrol. Therefore, I do not suggest that there be any harmonisation to make it harder for people to get on the electoral roll, because we do not want that.

Mr C.C. Porter: So there are reasons why you would not harmonise.

Mr W.J. JOHNSTON: That is right. If there are sensible reasons, we would not harmonise.

Mr C.C. Porter: So harmonisation is not a value in itself.

Mr W.J. JOHNSTON: Harmonisation should be a reasonable objective, as long as it does not have the consequence of unfairly stripping people of their right to vote. The problem with the Howard amendments is that

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that occurred. It was sensible for the former government, in the face of the wrongheaded abuse that was cast at the former Attorney General, to deal with those matters in a political context. If the Liberal Party comes into the Parliament and says, “You people are such a pack of bastards that you are going to give prisoners the vote” —

Withdrawal of Remark

Mr R.F. JOHNSON: I am sure the Deputy Speaker is aware of the comment made by the member, who should withdraw it.

Mr W.J. JOHNSTON: I was referring to what people call the Labor Party; I was not referring to how any member had referred to any other member. It cannot be a point of order because no member was named.

Mr R.F. Johnson: You were referring to members on this side, and that is unparliamentary language.

Mr W.J. JOHNSTON: No, I was not. That is just not true.

Mr J.M. FRANCIS: I will stand corrected by *Hansard*. The member was clearly referring to members on this side of the house as a pack of bastards. I ask you, Mr Deputy Speaker, to ask him to withdraw.

Mr M. McGOWAN: The member for Cannington was indicating what people had said about the group of people who sit within his political party in this Parliament. He was using a sort of rhetorical flourish to describe them in that manner. However, even if an alternative interpretation is taken—that is, he was referring to the government—he was not referring to any specific member of this house, and he did not call any particular member of this house any term that is unparliamentary. Therefore, on either interpretation, he did not say anything that was unparliamentary.

The DEPUTY SPEAKER: Member for Cannington, I do not think in any event you should use the term “bastard”. You have explained yourself. There is a difference of opinion. However, please temper your language. Carry on.

Debate Resumed

Mr W.J. JOHNSTON: Okay. I am very happy to be directed by you, Mr Deputy Speaker.

Again I go back to the sort of language that was used by the now Attorney General when he talked about Labor voters being these types of predatory criminals. That is the environment in which the former Attorney General acted in the way he did. Perhaps if the abusive approach of the then opposition towards the government was not quite like that, the legislation would have been different. However, one way or another, I do not have a problem with the fact that the Liberal Party is granting the vote to voters who are in jail serving a sentence for a crime, because it seems to be what the High Court says is required—that that is part of the democratic process. If someone who was serving a sentence of more than 12 months and less than three years were to challenge that matter in the High Court, it would be interesting to see the outcome, because it may well be that the court would rule some other way, and the Liberal Party would come back to us to give sex offenders and others the vote. However, we will have to see how that goes in the future.

The next section that we are dealing with is the question of voting for citizens with no fixed address. Again, this is a very sensible modification to the enrolment arrangements. The previous arrangement under which a person had to be resident in a house for a month or more was a discriminatory arrangement that had the effect of denying the vote to many people who were, of course, on the commonwealth roll, including Indigenous people. That is not right. A number of members have also commented that people who are now in their grey years may sell the family home, spend the kids’ inheritance, get in the caravan or the Winnebago and head off. They also should be given a vote. Again, this is a very sensible suggestion that has come forward from the Electoral Commission and, through the commission, to the minister and then to us in this place today.

The next matter is the inclusion of the date of birth on the electoral roll. That is a purely administrative matter. It is already open to any political party to data-match on the electoral roll, because the commonwealth roll provides that data to political parties, and political parties can data-match quite legitimately. I know that in the past there has been controversy in this place about Labor members of Parliament having an electoral roll that included that data. I point out that Labor members of Parliament also have the phone numbers included from the *White Pages*. That is no different; it is just a matter of data-matching. Of course, the phone numbers are not included in the electoral roll. This is a sensible enhancement of the provision of information to political parties and members of Parliament generally.

The next part deals with overseas electors. Again, this is another sensible administrative change to make sure that people get to vote, whomever they vote for. As members have pointed out, Australians are now much more

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mobile. It is common for people, in their career development, to spend some time overseas doing different things. Again, this is a very sensible amendment that has been suggested to us.

The next point is the question of candidates distributing how-to-vote cards. I call this the Porter amendment. In the Murdoch by-election, it was very interesting for all of us to see the Attorney General handing out how-to-vote cards on the by-election day. It is a silly, archaic provision, and it is good to see that it is being updated through this legislation, so that we will be harmonised with the federal legislation and candidates such as the Attorney General will be allowed to hand out how-to-vote cards, as he did on the day of his by-election. The member for Perth mentioned candidates being the *Marie Celeste* on election day. The advice that the Labor Party has always given to state Parliament candidates is that they should have no contact with anyone other than their own volunteers while the polls are open, because in that way they can never be accused of canvassing for a vote. This is a sensible harmonisation of the arrangements.

The final part is about political party agents. This is one of those inane things that affects only a very small number of people, but the effect of it is enormous. This provision will say that a party agent is deemed to be the agent of the candidate. Even though all of us are endorsed by a political party, we still have our own personal disclosure obligations as candidates. We are all obliged to disclose. Just as the member for Alfred Cove, as an Independent, has to disclose to the Electoral Commission, we have exactly the same obligations to disclose in exactly the same way as does the member for Alfred Cove. In addition to that, registered political parties also have an obligation to disclose under the act. I cannot comment on the Greens (WA) because I have never really looked at their returns in any detail, but members on both sides of the chamber do not expend the money themselves; the money is expended by the political party; or, if we do spend the money on our own behalf, we grant that to the political party as a donation in kind. The political party then discloses that. If a member gave a donation to his or her campaign, or a donation in kind for something that he or she spent on the campaign, that is declared as income by the political party. Therefore, there is no hiding of the transaction. It is just that the reporting body is the political party.

If people looked at our disclosure returns as individuals, they would see that they are all nil returns. Hundreds of nil returns are put in. There are 59 Labor Party candidates for this place and 36 for the other house. All those candidates are added together, and both political parties have to make sure that all their candidates fill in all the pieces of paper—they get them to sign to the effect that the party agent is their agent and that the party agent sent in a nil return. It is an administrative burden for no purpose, because no information is disclosed through the process. This provision will allow the party's agent to fill in the paperwork on behalf of the candidates. The paperwork has to be accurate in the same way the member for Alfred Cove's individual return has to be accurate. The political parties will still have to ensure that their returns are accurate so that the relevant information is still disclosed, but the administrative burden on the secretary or assistant secretary or director and assistant director for each party will be removed. That is a very good procedural change.

The minister and the government may like to think about eliminating the post-election expenditure return that political parties have to complete. Those documents serve no purpose because the parties have to fill in annual expenditure returns that make known all the party's political expenditure. I am neither asking nor suggesting that the amount of information provided to the public be reduced. The problem is that the post-election disclosure return really only serves a voyeur's purpose because it does not include where the money came from, but only how that money was spent. Apart from a couple of journalists who write one or two articles after the election, that post-election return does not benefit the community. If we want to make a change that will help party secretaries, getting rid of the post-election disclosure return is one such change. Because that return has to be filled in fairly soon following an election—I think it is 90 days after an election, but I cannot remember the exact date—the information is almost never accurate because party secretaries rely on campaign volunteers. It is the same for both parties. It is not the professional people but the volunteers out in the suburbs who run individual campaigns on whom we rely for that information. Because of that tight time frame the information is often not accurate and the party return to the commission is subsequently found to have errors because it is missing individual campaign information. I suggest that that would be something the government could look to change.

Another change would harmonise state and commonwealth legislation. Under commonwealth legislation, party secretaries and directors are entitled to sign the nomination form on behalf of the candidates, reducing the administrative burden of having to get 150 individual signatures. Sorry, that is wrong. The candidates still have to fill in their nomination forms, but a single signature on a single nomination verifies that the included information is accurate; whereas the state upper house system requires the party secretary to get each individual candidate to acknowledge that he or she is on the right spot on the ballot paper. It is an administrative burden to get six upper house candidates times six regions to sign to say they are happy with their spot on the ballot paper; whereas allowing a party secretary to sign once to acknowledge that the candidates are on the ballot paper in the

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order endorsed by the party, would make it easier for the party secretary. Also, we could allow candidates to sign their nomination prior to the issue of writs—at the moment they cannot do so at state level but they can at commonwealth level. If the political parties could do that administrative work before the issuing of writs, that would no longer be a problem.

MR J.M. FRANCIS (Jandakot) [8.33 pm]: Let me start tonight by acknowledging the presence in the public gallery of Lieutenants Daniel Sutherland and Simon Dickfos, two fine Royal Australian Navy officers who have a passionate interest in the democratic process in Western Australia.

I support the Electoral Amendment (Miscellaneous) Bill 2008 which will amend the Electoral Act 1907. In doing so, I acknowledge the work of the former government on this bill, but wish to make a couple of brief remarks about some parts of the bill.

Clause 6 of the bill inserts proposed section 17B, “Electors with no fixed address enrolled under Commonwealth Act”, which seeks to add electors with no fixed address to the categories of people who may be enrolled in an electorate in which they do not live. Proposed section 17B will allow citizens of Western Australia with no fixed address to vote in state elections. At the moment, as members know, the act requires that a citizen must have lived at their address for at least one month before becoming eligible to enrol to vote. This proposed section will ensure the state and commonwealth acts correspond. I support this amendment because it is fair and decent, and makes perfect sense.

At the last election, we witnessed the earliest calling of a state election in 105 years. Many people were caught out because for a variety of reasons they had not updated their electoral enrolment details. According to the Western Australian Electoral Commission statistics, 86.49 per cent of voters turned out for the election—the lowest turnout since the 1980 state election and a whole 3.51 per cent lower than the turnout at the 2005 state election. In my electorate of Jandakot, 2 520 enrolled voters failed to register a vote. Given Western Australia’s rapidly increasing population, especially in the southern corridor of which my electorate forms part, it is not surprising that this number of people failed to vote. It did not help that an early election was called at a time when people were distracted by the Olympic Games or had organised other events including holidays and were expecting an election sometime in the New Year.

Mr A.J. Waddell: Can we have a do-over?

Mr J.M. FRANCIS: Absolutely; I would be more than willing, but it is not up to me!

People could rightly have assumed, given the past couple of elections, that one was not to be expected until the New Year. To coin a submariner’s phrase at this point, I broach a subject that is usually not seen to be a conservative “meat and potatoes” issue; namely, that of the homeless and disadvantaged in our society. Statistics suggest that an unfortunate uphill trend in the number of homeless people has emerged over the past 10 years which is both unfortunate and sad. Given the present economic challenges, that trend will possibly be amplified—albeit we hope not—and it is therefore critical that we build a path that is inclusive. This bill is about principle, regardless of one’s politics, because good governance represents all people.

According to the Australian Bureau of Statistics, more than 12 000 people in this state are defined as homeless. That is a shocking figure. Currently, under section 17, a person of no fixed address is unable to cast a vote. This bill will amend the act such that the criteria for eligibility to vote will include the address at which the elector was last enrolled; the address at which the elector’s next of kin is enrolled; or the electorate with which the elector has the closest affiliation. These measures will now afford all people of legal voting age the opportunity to be involved in the democratic process and will ensure that their voice is heard regardless of the fact that they have nowhere to live. It is generally assumed that those with a lower socioeconomic position are more likely to vote for Labor. It could be concluded that this amendment may in fact electorally benefit the Australian Labor Party. I am committed to this amendment because democracy and fairness dictate that every person of voting age should be entitled to register a vote. The fact that they cannot afford somewhere to live should not exclude anyone from voicing their opinion at the ballot box.

A most welcome feature of this bill is the clause 15 repeal of section 183(6) of the act. Currently the law states that if a candidate personally solicits the vote of an elector on polling day, the candidate is deemed to be guilty of undue influence. This has proven to be a contentious issue for candidates wishing to hand out how-to-vote cards on polling day. There is a legal perception that a candidate who assists in the distribution of how-to-vote cards on polling day is deemed to be personally soliciting the vote of an elector and therefore in breach of section 183(6) of the current act. Repealing this section will make commonwealth and state electoral legislation consistent on this issue, as pointed out by the member for Cannington.

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I found nothing more frustrating than not being allowed to help my booth workers at the last election—some of whom toiled all day in the hot sun. I could not even stand in to give them a break to go to the bathroom or to have their lunch. The work of our polling booth volunteers is meaningful and adds to the election process. I am sure that all members will agree that we could not do without these workers. Surely, if we are asking people to cast their vote at the ballot box in our favour, it is good jurisprudence to participate in the process.

The Electoral Amendment (Miscellaneous) Bill is a sensible bill. I acknowledge the contribution made by the former government when presenting this bill to the house previously. This sensible bill not only adds to the Western Australian democratic process, but also proves once again that this government is committed to getting on with the job. I commend the bill to the house.

MR P. PAPALIA (Warnbro) [8:39 pm]: I am drawn to participate briefly in this debate on the Electoral Amendment (Miscellaneous) Bill 2008 primarily in response to an interjection from the Minister for Police, who no doubt was being a little frivolous and seeking to entertain us by making that interjection. However, it called my attention to —

Mr R.F. Johnson: If I had known the member was going to speak on it, I would not have said a word.

Mr P. PAPALIA: This is one way for me to beat the Minister for Police into submission!

Mr R.F. Johnson: You've done it! I will get the white flag out.

Mr P. PAPALIA: I know the minister was not necessarily being serious, but based on some of the other interjections that came from the Minister for Corrective Services in response to the member for Cannington's contribution, it led me to recall the nature of the debate regarding law and order in this state in the lead-up to the previous election. I do not want to go to the place that perhaps the member for Cannington was quite happy to go to when he passed criticism on the comments that the now Minister for Corrective Services made when he was in opposition and that other members opposite made. I actually think there has been —

Mr J.M. Francis: Congratulations on bringing that up.

Mr P. PAPALIA: I am just like that.

However, I think there has been a degree of maturation in this debate. I think we have moved beyond that and part of that has been by necessity. After what was said by members opposite in opposition—when members may have called for everybody to be locked up and the key thrown away and made other comments of that nature—a realisation has come upon achieving office that there must be a degree of pragmatism about what must be done with prisoners, beyond the need to physically achieve the capacity to hold all the prisoners that both we, when we were in government, and members opposite, who are now in government, have introduced into the system. There is a need to consider whether what we did in government and what members opposite are about to do and will do in the future will work. I take the opportunity to again raise in this forum, in regard to clause 7, I guess—if I have to justify my standing to debate the bill—that if all we do is build more prison capacity, we will fill it. Then we will have to build more prison capacity and we will fill that. It is undeniable; we have seen it and it will happen. The argument that throwing people into jail achieves some degree of deterrence —

Point of Order

Mr J.M. FRANCIS: I am hesitant, but I must raise a point of order. What relevance does the capacity of jails have to do with people serving jail terms voting?

The DEPUTY SPEAKER: Member for Warnbro, please come back to the point.

Mr P. PAPALIA: On the point of order, I guess I should have done it at the start; that is, make my point in relation to this clause. I do not want to speak for very long, but this clause, in effect, grants the franchise for a number of people within our prison system for whom that was previously removed. Therefore, we are re-franchising a number of people within our prison system. This in effect invests those people with a basic right that we accept for all people in society when they are outside the prison system. It is a degree of acknowledgement that those people will return to our society in due course. It is a little identification and acknowledgement of the need to focus on encouraging people not to return to prison. Part of that I have been conveying —

The DEPUTY SPEAKER: When the member for Warnbro got up to speak, he said it was on the point of order. Is the member making another point of order or is he trying to debate the point of order that the member for Jandakot made? There is no debate on a point of order. The member for Jandakot brought up the question of the relevance of the building of further jails. It has no relevance to clause 7, so will the member please keep his remarks to the point.

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Debate Resumed

Mr P. PAPALIA: I feel that the Deputy Speaker may have missed my pretty informative, if I say so myself, and insightful contribution to the debate, while he was seeking advice from the Clerk. I acknowledge that I rose on the point of order and I apologise for that. I have returned to the debate, I feel.

In trying to regain my line of argument, the relevance of my point is that we are about to re-enfranchise a number of people within our prison system, in this case those people who are serving a sentence of one year or less. By so doing, we will encourage them to view themselves as preparing to re-enter society as fully fledged members of the community.

Mr J.M. Francis: And we're giving them the vote.

Mr P. PAPALIA: That is part of it. My constant refrain in regard to any issue related to the prison system and the hardships we face in housing the ever-growing prison population is the need to refocus ourselves. We just need to consider this—although members do not necessarily need to concede the argument if they do not agree with it, if they have considered it; I think the Minister for Corrective Services is considering it, but the Minister for Police may hold a different view: whenever we get the opportunity, we must focus on whether what we are doing works, whether it is efficient and whether it serves the best interests of victims of crime in this state. My view is that if we want to help the victims of crime, we must encourage any effort we can to reduce recidivism in this state, reduce the number of prisoners in our prison system, and this is a good —

The DEPUTY SPEAKER: Member for Warnbro, sit down again, please. I ask the member again to come back to the point and to not discuss all types of extraneous matters. Come back to the point.

Mr P. PAPALIA: I was just about to return to the point, I beg the Deputy Speaker's pardon.

Mr P. PAPALIA: We should encourage any effort that will serve to reduce the rate of recidivism, reduce the overall number of prisoners in our system and in the long-term reduce the prison population. This is one of those measures. It is a good measure.

Mr C.C. Porter: Why do you say that? What proof is there that there is any rehabilitative element; and, if there is, is there a limit to it?

Mr P. PAPALIA: That is a fine question, Minister for Corrective Services. I pose the question: what evidence do we have that any of the measures that we undertake work? The minister knows as well as I do that our system is incapable of gathering, collating and analysing data on the effectiveness of anything we do. I encourage the minister to pursue his department on that matter with every ounce of energy that he can possibly muster. However, my point is that this is an additional measure that we can take to give one more effort on behalf of the victims of crime in this state to encourage prisoners to utilise the opportunities they have to prepare themselves for re-entering society in a positive fashion and not returning to the prison system at the rate at which they currently are doing.

MS M.M. QUIRK (Girrawheen) [8.48 pm]: I want to briefly talk about clause 7 of the Electoral Amendment (Miscellaneous) Bill 2008. As we have already heard this evening, the right to vote is a privilege and, if members like, it is arguable that it is the ultimate sign that we live in a democracy. Purists argue that in a true democracy the right to vote should also include the choice not to vote. That is not, of course, the case in Australia, where we compulsorily require people on the electoral roll to vote. Therefore, some people, I have to admit, consider voting to be a chore rather than a right. Nevertheless, it is a very important privilege that people are permitted to exercise.

The genesis of the bill's provisions relates to federal government provisions that were brought in by the Howard government. Admittedly I was privy to discussions for the state legislation that went forward to mirror those provisions, but I am not quite sure to this day what public policy outcome we sought to achieve by depriving some prisoners of the right to vote. I do not think that it has a very clear public policy objective; I think it is a matter of some concern. I am not quite sure why it is necessary at all. I do, however, accept that these provisions will bring the state provisions into line with the commonwealth provisions, and from an administrative point of view that is a good thing.

I also want to talk about the impacts of such legislation. At some level they enshrine a degree of systemic racism. I say this based on work that is being done in the United States by a public policy group based in Washington called The Sentencing Project. There is much discussion by this group and by academics such as Angela Davis, who say that disenfranchising US prisoners impacts disproportionately upon Hispanic and African-American populations. In Western Australia, 43 per cent of the prison population is Aboriginal, even though Indigenous people make up only three per cent of the broader population. One has to observe that, through this legislation,

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we will have the same problems as have been identified in America; that we are disproportionately disenfranchising Aboriginals in Western Australia by preventing them from voting. This is a matter of major concern, and as a matter of course we need to look more closely at our legislation to see whether we are enshrining systemic racism. I cannot see compelling public policy objectives in these specific provisions of the legislation. I understand and concede that we are mirroring the commonwealth legislation, but I do not think it benefits society one iota and I question its necessity.

I will make a final comment about something that is not in the current Electoral Amendment (Miscellaneous) Bill 2008, but that I hope the Attorney General might consider for inclusion in the next electoral amendment bill. I refer to the necessity to publish the names of candidates in *The West Australian* on the morning of an election.

Point of Order

Mr P.B. WATSON: I cannot hear the member speaking.

Debate Resumed

Ms M.M. QUIRK: From a crime prevention perspective, this is of concern. Candidates' names and addresses are published in *The West Australian* on the morning of an election. If I were a particularly astute criminal, I would know that there would probably be no-one in the candidate's house that day, and I would have a list of premises that are ripe for the picking. I ask the Attorney General to consider, next time amendments are made to the electoral act, whether there is some capacity for disclosing that information to the Electoral Commissioner and for some abbreviated form to be published in *The West Australian*. I think there are major security and crime prevention implications in the publication of candidates' names and addresses in the way that it is currently done.

MR T.G. STEPHENS (Pilbara) [8.53 pm]: I rise to speak on the Electoral Amendment (Miscellaneous) Bill 2008. I want to echo some of the comments that have been made already about this bill. I know that the bill, by and large—perhaps in its entirety—reflects the work that the Labor Party did when it was last in government. I have not double-checked that. Can someone tell me if that is the case? Is it entirely our bill, or has it been amended in some way?

Dr K.D. Hames interjected.

Mr T.G. STEPHENS: From three down to one; other than that difference, for all intents and purposes, both sides of the house appear to support this legislation. However, I think it is flawed, for some of the reasons that have already been articulated. For me, the concept of removing from prisoners, as a form of punishment or additional chastisement, the obligation applicable to the rest of the citizenry of Western Australia to participate in democratic processes is an odd business. Citizens' rights and citizens' obligations are enshrined in the electoral provisions of every jurisdiction. The Aboriginal percentage demographic of prisons in my electorate does not conform to the statewide Aboriginal prison population of 43 per cent as referred to by the member for Girrawheen.

Ms M.M. Quirk: It's closer to 98 per cent.

Mr T.G. STEPHENS: Yes, 98 per cent. The great challenge for those prisons is to try to find ways of moving the prison population back to an acceptance of the norms and requirements of the wider community, in all areas of their human activity, including accepting their responsibility and obligation to turn up on polling day and think about who they would like to form a government to govern for the good order of Western Australia. It is not simply a right; it is also an obligation. It is an imposition upon people. It is funny that, in one sense, we reward prisoners alone—apart from lunatics, I guess, people under the age of 18, or people with disabilities—by allowing them to be free of that obligation. We remove from prisoners the obligation to do what all other citizens of Western Australia are obliged to do, which is to think about, and participate in, the democratic process. It is an obligation, and sometimes an onerous obligation, to think about and reflect on who should provide for the good government of Western Australia. Whether a citizen is in prison or not, the obligation to think about the common good is actually a very salutary obligation—to think about what is good not only for oneself, but also for the wider community. I would hope that participation in democratic voting processes provides an opportunity for one to think beyond one's own circumstances and to think about the wider community and the common wellbeing, and respond to that challenge. It is a challenge that has emerged after centuries of human history in our jurisdiction, and it has produced a democratic process in which people have both the right and the obligation to vote. The obligation brings with it the challenge to rise above one's self-interest and to respond to the wider interests of the community. Prisons have to be places in which people think beyond themselves and narrow self-gratification, and think about the wider interests of the family, the community, the state, and the nation. Participating in the election process is part of that.

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I am not enthusiastic about the mimicking of the federal government's processes at state level. I also note that commonwealth governments are not the font of all wisdom in all areas of law. In our own jurisdiction we have people who are closer to the action in some of these areas of law—for example, in the area of Aboriginal people's participation in the justice system, and the way in which this provision has a direct racial impact, particularly in areas of regional and remote Western Australia such as the Kimberley, Roebourne Prison in the Pilbara and in Greenough, where the prison populations have significant numbers of Aboriginal people. Those people need to be challenged to take up not only the rights but also the obligations of citizens, rather than think that because they are prisoners, they are exempt from their obligation to vote. Prison should be the place in which people are marshalled into accepting their wider obligations as citizens.

As I have said, I support the bill. One very good provision in the bill, which has been referred to by other speakers, is the removal of the ban on allowing candidates to hand out how-to-vote cards on polling day. Although it is arguable that that ban was never effective, the removal of that ban is a very sensible change. I have often wished that the Liberal Party candidates who have opposed me had been able to hand out how-to-vote cards on polling day, because I think they were the sorts of characters who would have done themselves an enormous disservice if they had been able to do that on polling day. One Liberal Party candidate who comes to mind is Hal Colebatch.

Dr K.D. Hames: There have been a few Hal Colebatches!

Mr T.G. STEPHENS: Yes. I am thinking of Hal Colebatch Jr. It would have been wonderful if the community had had the opportunity to receive a how-to-vote card from Hal Colebatch Jr! The margin for the state seat of Perth, which was held by the former member Diana Warnock, would have improved dramatically if people had been able to meet him. It is a great incentive for parties to endorse candidates if candidates are allowed to hand out how-to-vote cards on the day. There is a risk that we will endorse—parties on both sides of politics have done this—some pretty amazing candidates. It is good that the community will get the chance to meet the candidates on polling day.

Dr M.D. Nahan: Hal Colebatch is a brilliant person.

Mr T.G. STEPHENS: He may be a very bright person. I was very fond of his older brother, and very fond of his father, at least from the history books. I gather that the Liberal Party instruction at that time was, "Candidate, do not do any more doorknocking; you are doing yourself an enormous disservice." I think I am right in saying that Hal Colebatch was almost delivered into Parliament—because not too many people had met him on the doorstep!—and we almost ended up not getting the services of Diana Warnock as the member for Perth. It was only when one of our scrutineers managed to find 50 votes that had been put in the wrong stack that the situation changed dramatically to our advantage and we ended up winning the seat of Perth. I think I have told the house previously that I am, I presume, one of the few members of this Parliament who has spent some time in a Western Australian prison —

Mr B.J. Grylls: As a guest of Her Majesty!

Mr T.G. STEPHENS: Yes!

Mr R.F. Johnson: You have told us about that! We do not want to hear it again!

Mr T.G. STEPHENS: It will be brief.

Dr K.D. Hames: We would rather go home!

Mr T.G. STEPHENS: It will be brief.

Dr K.D. Hames: As soon as you sit down, we can go home.

Mr T.G. STEPHENS: I would encourage those members who want to go home, to go home now. We are not going to divide against the legislation. It will be quick.

Dr K.D. Hames: I must say that I need to say thank you to Mr Rudd for giving me an enormous amount of money in today's budget.

Mr T.G. STEPHENS: We have a very good federal government. It has been very good to the minister.

Mr B.J. Grylls: A very good partnership!

Mr T.G. STEPHENS: Just imagine how much better it could have been!

The ACTING SPEAKER (Mr P.B. Watson): Order, members!

Mr John Quigley; Mr John Hyde; Mr Bill Johnston; Mr Rob Johnson; Mr Joe Francis; Mr Mark McGowan;
Deputy Speaker; Mr Paul Papalia; Ms Margaret Quirk; Mr Peter Watson; Mr Tom Stephens; Mr Ben Wyatt;
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Mr T.G. STEPHENS: I think they are causing me to digress, Mr Acting Speaker. I simply want to say that from my observation of the prisoners who were in that prison—Wyndham prison, as it was then—the great challenge for all of us then, and now, is how we can secure the opportunity for those prisoners to take their place in the Western Australian community. I do not think this bill will do that. It is a pity that this bill will become even more onerous as a result of the amendment that has been proposed by the government to the original bill that was before the house, as described by the interjections earlier. I guess it is an admission that, in my view, even the national Parliament and the national government has made a mistake in this area. The biggest challenge for the electoral law in this state is how to achieve a closer connection between the electorate rolls and the population that should be participating in the democratic processes of this state. In my own area, the electoral rolls are a total shambles. This is not a reflection upon the current government. This is a reflection upon all governments—national and state. My own colleagues while in office, and my party colleagues at a national level, have failed to understand that the administration of the electoral laws is destroying the opportunity and the obligation for people to participate in the democratic processes. In a previous debate in this house, reference was made to the fact that the seat of Pilbara has a tiny number of voters on the electoral roll. That reflects the fact that there has not been the growth of a permanent population within that region as a result of the fly in, fly out phenomenon. It also reflects the fact that far too many permanent residents of the Pilbara region have lost their connection with their voting obligations. Nothing is being done to address that and turn it around. Perhaps some people will turn to the provision in this bill that refers to the opportunity for a person to vote even though the person may not have a permanent fixed address. That provision may assist in increasing the participation rate —

The ACTING SPEAKER: Order, members! Everyone seems to want to have a little chat in here tonight. If members want to talk, would they do it outside, please. I would like to hear what the member is saying.

Mr T.G. STEPHENS: Thank you, Mr Acting Speaker. That provision could go some way towards stopping the situation in which the electoral rolls in many seats are in utter chaos. However, this bill does not go far enough towards responding to the compete erosion in regional and remote Western Australia of the validity and universality of the electoral rolls. The electoral rolls have become a disgrace. As a parliamentarian. I have spent a good part of my life trying to assist people to get back onto the electoral roll. I have watched a situation in which the electoral laws, instead of giving people the opportunity to defend their enrolment, have become the weapon by which people are being stripped and removed from the electoral rolls. There are people in politics who take what I could consider to be a prurient interest in removing people from the electoral rolls. That occurs far too frequently in regional Western Australia. We far too frequently find that a killer plague has moved through regional Western Australia and a large number of people have been taken off the electoral rolls by the administrators of that process—the electoral commissioners, both state and federal. Those are people who are well known in their communities, but they are stripped of the opportunity of participating in subsequent elections. It does not mean that they are always denied a vote. People can turn up and find that their names have been removed and they can claim section votes.

Missing from this bill is any significant effort to respond to the bigger challenge. It is not merely a challenge that might be of interest to one or other side of politics. It is about how we can make sure that our electoral laws are part of the process of educating people about their obligations to be respectful of the society of which they are a part, to participate as a community in respecting the traditions that we have established, and, through that requirement, to behave as citizens should behave; that is, to participate in voting processes. It is about how we make sure that people respect our electoral laws and the other laws that make up the body of statutory requirements that relate to all of us. I therefore complain that the bill is inadequate. Perhaps adding this one provision has helped in a small way. However, by the acquiescence of the commonwealth and the extension of the commonwealth's interest in restricting prisoners' voting rights, it causes some other damage to the body politic of Western Australia. Nonetheless, the bill has another provision that warrants support. I guess on that basis the bill will go through the house.

MR B.S. WYATT (Victoria Park) [9.11 pm]: I rise to make a few comments on the Electoral Amendment (Miscellaneous) Bill 2008, following on from the member for Pilbara. It is somewhat appropriate tonight, as tonight the federal budget came down, that we are debating this issue of voting at state government level. At the time the Federation was formed, it was a creature of an agreement of the states. Certain very defined powers, as the states thought at the time, were given to the commonwealth of Australia, and the rest were left to the states, the rest being defined as the peace, order and good government of Western Australia, which at the time was meant to keep the jurisdiction of the commonwealth very well defined by section 91 or section 92 of the commonwealth Constitution. So much has changed since then over the past better part of a century.

The ACTING SPEAKER (Mr P.B. Watson): Members, I have given three warnings so far. The next member I find talking in the chamber I will call to order.

Mr John Quigley; Mr John Hyde; Mr Bill Johnston; Mr Rob Johnson; Mr Joe Francis; Mr Mark McGowan;
Deputy Speaker; Mr Paul Papalia; Ms Margaret Quirk; Mr Peter Watson; Mr Tom Stephens; Mr Ben Wyatt;
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Mr B.S. WYATT: Thank you, Mr Acting Speaker. I did not think I would be sitting down so quickly! We find ourselves tonight in a situation in which the difference between the state and the federal government becomes more and more apparent when we look at the numbers in the respective budgets. Certainly, the budget numbers handed down by Treasurer Wayne Swan tonight highlight the significant difference between state and federal levels of government. In light of the fact that recently we have been discussing voting at the local government level and the form of electoral system that we have for the third tier of government —

The ACTING SPEAKER: Order! I call the member for Kalgoorlie and the member for Rockingham to order for the first time.

Mr B.S. WYATT: Thank you, Mr Acting Speaker. We find ourselves in a position now where voting at federal, state and local levels has become rarer and rarer. I was elected in a by-election with a turnout of approximately 65 per cent of the vote in Victoria Park. I know that by-elections have a lower turnout rate. I think the member for Warnbro had a percentage turnout rate in the eighties.

Mr P. Papalia: It was in the nineties.

Mr B.S. WYATT: Maybe it was just my by-election that had a very low turnout rate. It always helps when someone has been to war. I recall after the election, when the inevitable fines went out from the Western Australian Electoral Commission, getting calls from people saying that they did not know there was an election on and how come they had been fined, despite the fact that the previous member whom I replaced was the Premier of the state at the time. When the Premier retires there is often a fair bit of —

Several members interjected.

Mr B.S. WYATT: I am simply making the point, for the benefit of the member for Wanneroo, that when a Premier retires there tends to be a bit more publicity.

Mrs M.H. Roberts interjected.

Mr B.S. WYATT: What was the turnout in the electorate of Midland?

Mrs M.H. Roberts interjected.

Mr B.S. WYATT: I clearly inspired the people of Victoria Park to come out and vote for me! However, I would appreciate it if my own side of the house did not interject on me!

Mr C.C. Porter: It was a very hot day.

Mr B.S. WYATT: It was a particularly warm day on 11 March 2006.

Several members interjected.

Mr B.S. WYATT: That is enough, member for Midland! The point I make is that despite the fact that 11 different notifications appeared in letterboxes and there were many advertisements and much publicity, there was still a low turnout at 65 per cent.

Dr K.D. Hames: I presume you will be getting to some relevance to the bill.

Mr B.S. WYATT: Are we not talking about voting?

Dr K.D. Hames interjected.

The ACTING SPEAKER: Order! I will make the decision of whether it is relevant or not. If there is a point of order, stand.

Mr B.S. WYATT: There has been some discussion across the chamber over relevance, but I think that, historically, members have been given a certain amount of leniency when it comes to speaking on these issues. I note that the member for Jandakot was reading his speech. I think at the time no-one on this side of the house took issue with that.

Dr K.D. Hames: The member for Girrawheen nearly always reads her speech.

Mr B.S. WYATT: I know the Deputy Premier is keen to go home.

The ACTING SPEAKER: Members, let us get back to the bill, please.

Mr B.S. WYATT: Having this debate will simply hold up proceedings longer. I do not anticipate speaking for a long time.

Mr W.J. Johnston: The Electoral Commissioner wrote a very good report on the issue of turnout.

Mr John Quigley; Mr John Hyde; Mr Bill Johnston; Mr Rob Johnson; Mr Joe Francis; Mr Mark McGowan;
Deputy Speaker; Mr Paul Papalia; Ms Margaret Quirk; Mr Peter Watson; Mr Tom Stephens; Mr Ben Wyatt;
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Mr B.S. WYATT: I thank the member for Cannington. The point I am trying to make is that Australia has a compulsory voting system at federal and state level, not at local government level. I was at a citizenship ceremony in Victoria Park last night. We talk about the right to vote, which is fundamental to what we have in Australia. We sing its praises and we defend it quite strongly. The fact that this legislation deals with the right to vote highlights a point made by the member for Pilbara, which is that our enrolment system has become, to a certain extent, somewhat of a weapon by which we exclude people from the right to vote. In an environment of a history of compulsory voting and citizenship ceremonies, to which I am sure every member of Parliament goes on Australia Day when they make speeches to new citizens in their electorate, we need to be very careful about who we exclude from the voting process. I have an inner-city electorate. I certainly find that people who are disengaged from what I will term as civil society tend not to be able to access the rights they have for government services. I can think of a number of families and people in my electorate who have disappeared and are not on the roll. The chances are that they do not have jobs, that they have criminal records and that they have health issues. All these factors add up to people being disenfranchised completely from society. I mean that in much broader terms than simply being able to vote.

Mr J.E. McGrath: What about people who get a vote and do not know they voted. Someone can walk into a polling booth and use someone else's name and address, because he does not have to prove his identity. There is an old saying, which is: live by the motto of vote early and vote often.

Mr B.S. WYATT: I have had only a quick look at this legislation and I do not think it deals with the issue of identity and identity fraud. I do not plan to go down that path, but I certainly take the member's point.

Mr C.C. Porter: Given that this bill attempts to capture people who previously found it very difficult, if not impossible, to enrol, and given your complaint and the member for Pilbara's complaint that we are not getting as many people who are entitled to be on the roll to enrol, are you suggesting that we take the next leap, which is to compulsorily force people to go on the roll and perhaps fine them if they refuse to do so?

Mr B.S. WYATT: No, I am not; I am simply making the point before I go into the particular clauses of the bill —

Dr K.D. Hames: Before you complete your brief speech?

Mr B.S. WYATT: Yes, which, I must admit, is now getting longer.

The ACTING SPEAKER (Mr P.B. Watson): A member is on his feet. I do not want people to have conversations across the chamber.

Mr B.S. WYATT: I am simply making the point that this is a good piece of legislation, Attorney General, and that is why we support it. It was introduced by our side before the last election. We all support it. I probably made these comments last year when this legislation was introduced by the then Attorney General, the former member for Fremantle.

The issue of prisoners' voting rights has been well discussed this evening. Again, I have made comments about a different electoral system for local government and a non-compulsory voting system at a local government level. I do not think it makes much sense to have different voting systems; nor do I think it makes much sense to have separate federal and state rolls.

Members on both sides of the house have spoken about the issue of voting by citizens with no fixed address. This is a good amendment, particularly in a state as large as Western Australia. Members of the community, particularly in regional areas, are mobile and transient and very often a large percentage do not have a fixed address. Without this amendment, the legislation would exclude a large percentage of Aboriginal people in particular from being entitled to vote. As I have said previously, the point I was trying to make is that it is an entitlement that we in this place must defend strongly, and we should take great care in having exclusions in place. The member for Pilbara has made the point. I recall that when I was living in Kalgoorlie in the 1980s the proportion of Aboriginal people on the roll was very high at the time, because there was a significant effort by all political parties generally to register voters. Also, there was a much more significant effort by the Western Australian Electoral Commission to ensure that people in regional areas were on the roll—the sort of effort that no longer takes place as much. Perhaps we will hear from the National Party about that issue. I know that the Leader of the National Party raised this issue when he sat on this side of the house, and no doubt he will have some comments to make about it.

I think we all agree that it is a bit of an absurdity that candidates cannot hand out how-to-vote cards on election day. That amendment is well past due and it has significant support from both sides of the house.

Mr John Quigley; Mr John Hyde; Mr Bill Johnston; Mr Rob Johnson; Mr Joe Francis; Mr Mark McGowan;
Deputy Speaker; Mr Paul Papalia; Ms Margaret Quirk; Mr Peter Watson; Mr Tom Stephens; Mr Ben Wyatt;
Acting Speaker; Dr Kim Hames

I have spoken for a fair bit longer than I intended to, simply because of the interjections mainly from members on my side of the house. However, I want to conclude with the point that I began my comments with. Voting is compulsory in this state and in this country. The history of our Federation is that we gave the federal government very limited and defined powers and left the rest of the powers for the peace, order and good governance of our state with this chamber. That power has eroded over the years as more power has drifted to the federal government, which is perhaps why people are more disengaged with state politics than they are with federal politics. However, it is a matter that we take seriously. Our citizenship ceremonies highlight the fact that all members take our compulsory voting system extremely seriously. I am not alleging that this is something that the Attorney General is doing, because, as I have said, this legislation was introduced by the former Attorney General. However, we have to take great care before we make more difficult the eligibility criteria to vote or exclude certain people from the voting process. If we exclude people from the voting process, we will tend to find ghettos of people—I have them in my wealthy, inner-city electorate—who do not vote, who do not have jobs, who are excluded from the state government process, and who do not understand their rights and responsibilities. That is a matter that we need to rectify. The amendment to give citizens with no fixed address an opportunity to vote will put on the Western Australian Electoral Commission the responsibility of ensuring that people right across Western Australia are registered to vote. The Western Australian Electoral Commission will now have to make an extra-special effort to ensure that people in regional and remote areas in particular are on the roll and have the opportunity to vote come election time or referendum time, as the case may be—for example, this Saturday's referendum.

DR K.D. HAMES (Dawesville — Deputy Premier) [9.25 pm] — in reply: I have the responsibility of representing Hon Norman Moore in this house, and, in doing so, I have been given the task of responding to the debate on the Electoral Amendment (Miscellaneous) Bill. However, we will review that process because when the former Attorney General brought this bill to the house, the current Attorney General, in his role as shadow Attorney General, had responsibility for dealing with the legislation. We will examine that process, but we have decided that the Attorney General, who has a far better knowledge of this bill, having dealt with it in detail the last time it was debated, will take responsibility for the consideration in detail stage of this bill.

I will briefly respond to the comments that have been made, particularly on each component of the bill. I will start with prisoners' voting rights. Some interesting comments have been made, and I suggest that some of them have been somewhat hypocritical. Obviously, there is a view by governments of both persuasions that there be some degree of restriction on prisoners' voting rights. Governments of both persuasions have a view that people who are in jail for long terms do not deserve a vote. The federal Labor and Liberal Parties and the state Labor and Liberal Parties have taken that point of view. As members will recall, the previous Labor government wanted to restrict that eligibility to vote to prisoners serving sentences of three years or less. It took the view that people who were in jail for longer than three years did not deserve to vote. The restriction in this state applied to prisoners serving sentences of one year or less. We took the view that prisoners serving longer sentences for more serious crimes should not be able to vote. The federal government changed that provision to zero. It took the view that no-one in jail had a right to vote.

Mr W.J. Johnston interjected.

Dr K.D. HAMES: Am I saying something incorrect?

Mr W.J. Johnston interjected.

Mr C.C. Porter: But this Parliament, under your government, followed suit. Under the banner of harmonisation, you disenfranchised all prisoners.

The ACTING SPEAKER: Order, members!

Dr K.D. HAMES: If my comments are incorrect, I apologise, but the theme is the same. Governments of all persuasions have to some degree restricted prisoners' voting rights. It was restricted to zero by us, as the member has said. That was challenged in the High Court and the case was lost. The federal government then changed the provision to three years. Again, it placed a restriction on the right to vote by prisoners serving sentences longer than three years. The Attorney General brought into this house a three-year restriction. Obviously, the Labor Party, prior to the member for Cannington—who keeps shaking his head—coming into this place, introduced a restriction of three years. In the other place, it was changed to one year. In fact, the Greens member Hon Giz Watson wanted it changed so that all prisoners had a right to vote. The Labor Party in the other place indicated that it would not support —

Several members interjected.

Dr K.D. HAMES: No, I am not wrong. I was in this house and the member for Cannington was not.

Mr John Quigley; Mr John Hyde; Mr Bill Johnston; Mr Rob Johnson; Mr Joe Francis; Mr Mark McGowan;
Deputy Speaker; Mr Paul Papalia; Ms Margaret Quirk; Mr Peter Watson; Mr Tom Stephens; Mr Ben Wyatt;
Acting Speaker; Dr Kim Hames

Several members interjected.

Dr K.D. HAMES: I am sorry; I cannot take two interjections at once.

Mrs M.H. Roberts: I was here, and it was a suite of amendments.

Dr K.D. HAMES: The member for Cannington interjected before the member for Midland.

Mr W.J. Johnston: The point I made was that it does not matter whether it is one year or three years. However, if it is to be either one year or three years, don't lie to people and say that it is to get a political advantage, because that's not right.

Withdrawal of Remark

The ACTING SPEAKER (Mr P.B. Watson): I ask the member for Cannington to withdraw his remark concerning the minister.

Mr W.J. JOHNSTON: I withdraw what I said to the minister.

Debate Resumed

Dr K.D. HAMES: I was not referring to the comments that the member for Cannington made. I was referring to comments by other members, particularly by the member for Victoria Park and the member for Pilbara.

Mr T.G. Stephens: If you are referring to what I said, you are misconstruing what I said.

Dr K.D. HAMES: The member for Pilbara commented along the lines that there should be fewer restrictions on people who are in prison and that there should not be an arbitrary cut-off.

Mr T.G. Stephens: I was talking about obligations.

Dr K.D. HAMES: The point is that there have been restrictions on the right to vote. We believe it should be one year, and that is what is provided for in this legislation.

The provision pertaining to voting by citizens with no fixed address is agreed to by both sides of the house and little comment has been made on it. The same applies to the provision for the inclusion of date of birth on the electoral roll. The bill provides for overseas electors to be registered as general early voters, and it is a provision that I am keen to support. The early calling of the last election resulted in people overseas who would have liked to have lodged a vote not getting that opportunity.

The last provision in the bill relates to candidates handing out how-to-vote cards. The current law is confusing. Members of the Liberal Party were previously instructed not to hand out how-to-vote cards at risk of breaking the law. Some candidates did hand them out. This legislation clarifies the situation and allows candidates to hand out how-to-vote cards with impunity. As the member for Jandakot said, on occasions the volunteers who work exceptionally hard for candidates want a break, and previously candidates have been unable to hand out how-to-vote cards in their absence. This is a good change to the legislation. I am pleased to support the second reading.

Question put and passed.

Bill read a second time.

Leave not granted to proceed forthwith to the third reading.

House adjourned at 9.33 pm