

POLITICAL FINANCE **Annual Report**

Report on the operation of Part VI of  
the *Electoral Act 1907* for the period  
ended 30 June 2007



WESTERN AUSTRALIAN **Electoral Commission**



Hon. J A McGinty MLA  
Attorney General  
Minister for Electoral Affairs  
4th Floor, London House  
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Dear Minister

In accordance with section 175ZG of the *Electoral Act 1907*, I submit for your information and presentation to Parliament the report on the operation of Part VI of the *Electoral Act 1907* for the period 1 July 2006 to 30 June 2007.

Yours sincerely

A handwritten signature in black ink that reads "Warwick Gately". The signature is written in a cursive style with a large, looping initial 'W' and a trailing flourish.

Warwick Gately AM  
**ELECTORAL COMMISSIONER**

30 June 2008



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## 1. BACKGROUND

This is the eleventh report since the political finance legislation came into force in Western Australia on 9 November 1996. Under the provisions of Part VI of the *Electoral Act 1907*, all political parties, associated entities, individual candidates, Legislative Council groups and other persons are required to provide the Electoral Commissioner with details of gifts and/or income received and expenditure incurred for electoral or political purposes.

The *Electoral Reform (Electoral Funding) Act 2006* came into effect in October 2006, introducing amendments into Part VI of the *Electoral Act 1907* which provide for electoral funding of political parties and candidates. Funding provisions were first enacted at the 2007 Peel by-election, the details of which are given later in this report.

This report relates to the operation of Part VI of the *Electoral Act 1907* over the 2006–2007 financial year. It provides information on the annual returns lodged by political parties and associated entities for this period, in addition to election returns submitted for the 2007 Peel by-election.

The 2006–2007 Political Finance Disclosure Schedule, which highlights key disclosure dates during the period, is included in Appendix 1.

### 1.1 Essential Features of the Political Finance Legislation

#### Agents

All political parties must appoint an agent for disclosure purposes. Party agents, who must register with the Electoral Commissioner, assume responsibility for lodging disclosure returns on an ongoing basis. At an election, candidates and non-party groups may appoint an agent to act for them or accept responsibility for compliance with the *Electoral Act 1907* themselves. A separate agent appointment is required for each election for both candidates and non-party groups. Appointments must be made before 6.00 pm on the day before polling day in the election.

The financial controller of an associated entity is considered to be its agent.

## Gifts

Gifts of \$1,800 or more must include the name and address of the person who made the gift. In accordance with regulation 3 of the *Electoral (Political Finance) Regulations 1996*, the specified amount was reviewed after the 2005 State general election and increased from \$1,600 to \$1,800. This took effect from 1 July 2005 and affects the 1 July 2006 to 30 June 2007 disclosure returns reported on in this publication. Acceptance of donations from unidentified persons or sources equal to or more than the specified amount is prohibited under the *Electoral Act 1907*. Under section 175R(5) of this Act, anonymous donations above the specified amount are payable to, or may be recoverable by, the State.

## Annual Returns

All political parties (whether registered or not) and their associated entities are required to lodge an annual (financial year) return by 30 November, disclosing all gifts and other income received for the previous financial year.

## Election-related Returns

After an election or by-election, all parties, candidates, Legislative Council groups and other persons are required to send an election return to the Electoral Commissioner within 15 weeks after polling day.

Political parties are required to disclose only electoral expenditure incurred for an election, as they disclose all gifts and other income in their annual returns. Associated entities are not required to disclose electoral expenditure incurred for an election.

Candidates are required to disclose all gifts received and electoral expenditure incurred during the disclosure period for the election, which ends 30 days after the current election and:

- if the candidate was a candidate in a previous election (in the last five years), it commences 31 days after polling day in the previous election in which they were a candidate; and
- for new and other candidates, it commences one year before the day of nomination in the present election.

Legislative Council groups must submit a return disclosing all gifts received and expenditure incurred between the hour of nomination and 30 days after the current election.



People other than political parties, associated entities, candidates and groups who incur expenditure for political purposes must disclose all gifts received from 31 days after polling day in the last preceding general election to 30 days after the current election. Relevant details of gifts that are expended partially or wholly for political purposes must be provided if the gift equals or exceeds the specified amount of \$1,800. Other people who incur electoral expenditure in relation to an election exceeding \$500 must also lodge a return disclosing relevant amounts of expenditure. Other people may include interest groups, lobby groups, welfare groups, unions and associations.

### **Electoral Funding**

Candidates at a State election or by-election can apply to be reimbursed for electoral expenditure incurred, subject to them receiving more than 4% of first preference formal votes. Payments for all candidates endorsed by a registered political party can be made if candidates collectively poll over 4% of the total number of eligible votes at the combined elections in each contested electorate. Candidates included in a Legislative Council group can receive payment if the group as a whole polls over 4%.

For each eligible candidate, the 'election funding reimbursement amount', calculated annually under section 175LC(2) of the *Electoral Act 1907*, is to be paid to that candidate for each valid first preference vote received in an election. The amount for the 2006–2007 annual reporting period was \$1.45302, this being the amount applied to claims for the 2007 Peel by-election.

If actual eligible electoral expenditure incurred by that candidate or group is less than the amount that would be paid using the above calculation, then this lesser amount is the amount to be reimbursed. Eligible electoral expenditure is defined at section 175 of the *Electoral Act 1907*.

Payment is made to the political party for endorsed candidates and endorsed candidates included in Legislative Council groups. Unendorsed candidates' payments are made to their agent or to themselves if no agent is appointed. For Legislative Council groups not endorsed by a registered political party, payment is made to the agent of the group.

## 1.2 Records to be Kept

Under the *Electoral (Political Finance) Regulations 1996*, agents of political parties, candidates and groups must maintain:

- a receipt book, for recording details of money received;
- an acknowledgment book, for recording details of gifts other than money received;
- bank and financial institution statements; and
- an expenditure book.

The financial controller of an associated entity must keep all of the above except for an expenditure book.

Other people who incur expenditure for political purposes must keep a record of all gifts received for political purposes and maintain:

- a receipt book;
- an acknowledgment book; and
- bank and financial institution statements.

Other people who incur electoral expenditure must also maintain:

- an expenditure book; and
- bank and financial institution statements.

All records and bank and financial institution statements must be retained for six years.

According to regulation 11 of the *Electoral (Political Finance) Regulations 1996*, the agent of a political party may apply to the Electoral Commissioner for approval for the party to keep or cause to be kept a system of accounting records other than those prescribed in the legislation. If this application is approved by the Electoral Commissioner, the party must keep these records in accordance with this agreement.

## 1.3 Role of the Western Australian Electoral Commissioner

The Electoral Commissioner is responsible for maintaining a register of political party agents and obtaining the relevant information from parties, associated entities, candidates, groups and other persons through annual and election-related disclosure returns. The Commissioner is empowered to check all returns, obtain any information relevant to disclosure requirements, and to interview people and scrutinise bank or other financial accounts where donations may be deposited.

The Electoral Commissioner also prepares an annual report (this report) on the operation of Part VI of the *Electoral Act 1907* in relation to the previous financial year. This is submitted to the Minister for Electoral Affairs, who tables the report in Parliament.

## **2. 2006–2007 ANNUAL RETURNS**

Agents of the various political parties were sent letters in October 2007, reminding them that the disclosure period for the 2006–2007 annual returns ended on 30 June 2007 and that returns were due to be lodged with the Commission by 30 November 2007. A total of 20 political parties and four associated entities lodged disclosure returns for the period. This compares with 20 political parties and five associated entities lodging disclosure returns for the 2005–2006 financial year. The difference was due to unnecessary lodgement of an associated entity return by a political party. The mistake was unintentional and did not result in any further issue. One registered political party was significantly late in providing its return and then only after repeated requests from the Electoral Commission. Data provided in the 2006–2007 returns are included as Appendices 2, 3, and 5 of this report.

## **3. 2007 PEEL BY-ELECTION RETURNS AND FUNDING CLAIMS**

Political party agents and agents of candidates for the Peel by-election received copies of the relevant funding and disclosure forms, together with explanatory letters, in March 2007 reminding them of their obligation to disclose gifts received (candidates only) and expenditure incurred for the Peel by-election. Candidates and political parties were also advised whether they were eligible to claim for electoral funding, and given instructions regarding the claim process. Candidates who did not appoint agents, or who were not endorsed by the registered parties, received their letter and the relevant forms personally. Of the eight candidates at the by-election, five had appointed agents by the 6.00 pm deadline on 2 February 2007. One candidate later revoked their agent's appointment for administrative reasons.

The disclosure period for candidates and other persons ended 30 days after polling day, which was 6 March 2007. By-election returns were due within 15 weeks of polling day, which was by 21 May 2007. There were no instances of late lodgement of returns. Data provided in the disclosure returns is included in Appendices 2 and 4.

Claims for electoral funding in relation to the Peel by-election were due within 20 weeks of polling day, which was 25 June 2007. All eligible claims were received and processed by this deadline. Of the eight candidates at the by-election, six received over 4% of first preference formal votes, and therefore were entitled to reimbursement of electoral expenditure as defined at section 175 of the *Electoral Act 1907*. Of these six entitlements, five political parties and one independent candidate were paid. Details of these payments are provided in Appendix 6.

Associated entities are not required to disclose expenditure incurred in a by-election.

#### **4. AUDIT OF RETURNS**

The *Electoral Act 1907* provides for the Electoral Commissioner to authorise officers to investigate returns required under Part VI. In order to avoid duplication of effort, a coordinated audit approach was again arranged with the Australian Electoral Commission (AEC), as political parties required to lodge Commonwealth returns may lodge those same returns to comply with the requirements of the *Electoral Act 1907*. The AEC is still in the process of auditing the 2005–2006 Commonwealth annual disclosure returns of two Western Australian based parties and four associated entities who prepared Commonwealth returns, to check their compliance with the disclosure provisions of the *Commonwealth Electoral Act 1918*.

This reporting and audit period demonstrated discrepancy between State and Commonwealth specified amounts. This discrepancy occurred first for the 2005-2006 reporting period, with the passage of the *Commonwealth Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*. This legislation increased the Commonwealth specified amount from \$1,500 to \$10,000 (indexed annually to CPI) and took effect from 8 December 2005. Effectively this means that those political parties lodging annual returns under section 175N(5) of the *Electoral Act 1907*, which allows them to lodge Commonwealth returns in lieu of a State return, were able to disclose under a significantly higher disclosure threshold than those lodging State returns. At the date of this report, the Commonwealth Government Electoral Amendment (Political Donations and Other Measures) Bill 2008 is seeking to reduce the specified amount from \$10,000 to \$1000. The Western Australian Government, in harmony, through the Electoral Amendment Bill (No. 2) 2008 is reducing the specified amount from its present \$1,800 to \$1,000. When enacted these statutes will bring Commonwealth and State disclosure provisions into line.

The Western Australian Electoral Commission employed an independent auditing firm, Stanton Partners, to audit four annual returns of the registered political parties not usually audited by the AEC. At the same time, the Commission employed Stanton Partners to audit six of the eight election returns lodged by political parties and candidates in relation to the Peel by-election. The other two by-election returns were nil returns, and were audited over the telephone by the Commission's Electoral Liaison Officer. Three annual returns disclosing nil amounts were audited in this matter.

The audits indicated a general compliance with the requirement to lodge returns. The main issue identified during the audit process was the maintenance of records as required under the *Electoral (Political Finance) Regulations 1996*. In the case of political party annual returns, three of the four political parties audited did not keep the required records. In the case of election related returns, four of the six political parties audited did not keep adequate records. Also identified was the fact that an acknowledgement book must be kept by political parties. Liaison with party agents is ongoing to remind and educate as to their obligations.

## **5. ACCESS TO RETURNS**

The Western Australian Electoral Commission maintains copies of each political finance return. In accordance with section 175ZC of the *Electoral Act 1907*, members of the public may view or obtain copies of returns, which are available four weeks after the end of the lodgement period. Peel by-election returns were made available to the public on 19 June 2007. Annual returns for the 2006–2007 financial year were made available on 31 December 2007. Annual returns of political parties and associated entities lodging a Commonwealth return with the Western Australian Electoral Commission can be viewed on the Australian Electoral Commission's web site at [www.aec.gov.au](http://www.aec.gov.au).

## **6. SECTION 175ZE OF THE ELECTORAL ACT 1907**

Public agencies who are required to publish an annual report under the *Financial Administration and Audit Act 1985* or any other written law must include a statement in the report of all expenditure incurred by or on behalf of the public agency during the reporting period in relation to:

- advertising agencies;
- market research organisations;
- polling organisations;
- direct mail organisations; and
- media advertising organisations.

This statement must detail the total amount of the expenditure, the amount of expenditure for each heading listed above, and the name of each person, agency or organisation to which an amount was paid. No details are required if the amount of expenditure under a heading is less than \$1,800, although a 'Nil' statement is still required to be published.

For more details on reporting under section 175ZE of the *Electoral Act 1907*, see 'Advertising' in the *Annual Report Framework* located at the Public Sector Management web site at [www.dpc.wa.gov.au/psmd](http://www.dpc.wa.gov.au/psmd).

## **7. PUBLICATIONS**

The Commission produces guidelines which are regularly updated and outline the provisions of political finance legislation in Western Australia and the implications for people involved in the electoral process. Copies of the guidelines and relevant forms are available from the Western Australian Electoral Commission on request, or can be downloaded from the Commission's web site at [www.waec.wa.gov.au](http://www.waec.wa.gov.au).

# APPENDICES





## Appendix 1

### 2006-2007 POLITICAL FINANCE DISCLOSURE SCHEDULE

<p><b>Commencement of Disclosure Period for Annual Returns</b></p>	<p><b>1 July 2006</b></p>	<p>Commencement of the disclosure period for political parties and associated entities (gifts and other income).</p>
<p><b>Election Day</b></p>	<p><b>3 February 2007</b></p>	<p>Date of the 2007 Peel By-Election.</p>
<p><b>End of Disclosure Period for Election Returns</b></p> <p><b>Commencement of Next Disclosure Period</b></p>	<p><b>6 March 2007</b></p>	<p>Being 30 days after election day* The disclosure period for election returns concluded on this day.</p> <p>The disclosure period for candidates in the Peel by-election who contest the next State general election or any intervening by-election commences after this day.</p>
<p><b>Election Returns Due</b></p>	<p><b>21 May 2007</b></p>	<p>Election returns for political parties (expenditure only), candidates, groups and 'other persons' (gifts and expenditure) are due on this day being 15 weeks after Election day.</p>
<p><b>Election Returns Publicly Available</b></p>	<p><b>19 June 2007</b></p>	<p>Disclosure returns from candidates, groups and 'other persons' as well as expenditure returns by political parties are made available to the public.</p>
<p><b>End of Disclosure Period for Annual Returns</b></p>	<p><b>30 June 2007</b></p>	<p>End of the annual disclosure period for political parties and associated entities.</p>
<p><b>Annual Returns Due</b></p>	<p><b>30 November 2007</b></p>	<p>Annual returns from political parties and associated entities are due by this day.</p>
<p><b>Annual Returns Publicly Available</b></p>	<p><b>31 December 2007</b></p>	<p>Annual disclosure returns for political parties and associated entities are made publicly available from this day**.</p>

\* Note that Monday 5 March is actually 30 days after polling day but is a public holiday so therefore an 'excluded day' under section 61(2) of the *Interpretation Act 1984*.

\*\* Associated entities are not required to disclose expenditure incurred in an election, only lodge an annual return as per usual.

## Appendix 2

### SUMMARY OF GIFTS AND OTHER INCOME RECEIVED AND EXPENDITURE INCURRED BY EACH POLITICAL PARTY

Political Party	Total Gifts \$1,800 or more \$	Total Gifts and Other Income 2006–2007 \$	Total By-Election Expenditure \$
Australia First Party (WA)	0	0	0
<b>Australian Democrats</b>	0	11,702	0
<b>Australian Labor Party (WA Branch)*</b>	275,000	2,248,590	130,477
<b>Christian Democratic Party WA</b>	49,850	146,473	11,553
<b>Citizens Electoral Council of Australia</b>	0	0	0
<b>Community 1<sup>st</sup> (Inc.)</b>	0	0	0
<b>Daylight Saving Party</b>	0	0	0
<b>Family First Party WA Inc.</b>	0	4,728	0
<b>Fremantle Hospital Support Group</b>	0	0	0
<b>liberals for forests</b>	0	0	0
<b>New Country Party</b>	0	0	0
<b>Nurses for Health</b>	0	0	0
<b>One Nation Western Australia</b>	0	26,034	3,625
Progressive Labour Party	0	40	0
<b>Public Hospital Support Group</b>	0	0	0
Socialist Alliance	0	2,499	0
<b>The Greens (WA) Inc.</b>	32,104	221,612	3,369
<b>The Liberal Party of Australia (WA Division) Inc.*</b>	77,250	**3,860,554	26,966
<b>The National Party of Australia (WA) Inc.</b>	91,600	247,338	0
Unity Party WA	0	810	0

**Bolded entries indicate registered political parties.**

\* Disclosure of gifts by the Australian Labor Party and the Liberal Party is based on Commonwealth specified amount of \$10,300; therefore may not include all gifts over the State specified amount of \$1,800.

\*\* Political party amended return submitted.

### Appendix 3

#### GIFTS \$1,800 OR GREATER RECEIVED BY POLITICAL PARTIES

Names in the following table are in the same format as provided by the respective political parties.

Political Party	Donor	For 2006–2007 \$
Australian Labor Party (Western Australian Branch) *	BHP PMU Pty Ltd	40,000.00
	Burswood Entertainment Complex	25,000.00
	K & J Ferguson	30,000.00
	LHMU	50,000.00
	Linc Integrated Marketing	20,000.00
	Minerology	85,000.00
	Wesfarmers	25,000.00
	<b>Total</b>	<b>275,000.00</b>
Christian Democratic Party WA	A Creelman	24,000.00
	P Wieske	10,000.00
	J Dykska	5,200.00
	J Hair	5,250.00
	J Sullivan	2,900.00
	George Cugley	2,500.00
	<b>Total</b>	<b>49,850.00</b>
National Party of Australia (WA) Incorporated	Parliamentary National Party	6,600.00
	CBH Limited	6,600.00
	Burswood Entertainment	3,000.00
	Wesfarmers	10,000.00
	Great Southern Plantation	10,000.00
	Corporate Advisors Australia Pty Ltd	30,000.00
	Skywest Airlines	22,000.00

Political Party	Donor	For 2006–2007 \$
	WA Police Union	3,400.00
	<b>Total</b>	<b>91,600.00</b>
The Greens (WA) Inc.	Giz Watson	11,610.00
	Rachael Siewert	6,350.00
	Paul Llewelyn	11,544.00
	Ruth Greble	2,600.00
	<b>Total</b>	<b>32,104.00</b>
The Greens (WA) Inc.	Craig Chappelle	*20,000.00
	Michael and Margo Beilby	*5,000.00
	Peter Wilmot	*6,000.00
	Jay Birnbrauer	*5,000.00
	Janet Marsh	*5,000.00
	Brian Fleay	*4,000.00
	Nikolas Kalic	*2,000.00
	Pam Rumble	*5,000.00
	Colin Bird	*3,000.00
	Denise Hardie	*2,000.00
	Kim Dravnieks	*10,000.00
	Michael Bennett	*2,000.00
	Jena Le Quesne	*5,000.00
	Graham Alley	*2,000.00
	Diana Mactiernan	*2,000.00
	Louis Bell	*2,000.00
	<b>Total</b>	<b>80,000.00</b>
	<b>*these amounts are loans declared as donations</b>	

<b>Political Party</b>	<b>Donor</b>	<b>For 2006–2007 \$</b>
The Liberal Party of Australia (Western Australian Division) Incorporated*	Macquarie Bank	12,250.00
	Corporate Advisors Australia	15,000.00
	Mauro Balzarini	17,000.00
	Liberal Party of WA Parliamentary Fund	33,000.00
	<b>Total</b>	<b>77,250.00</b>

\* Disclosure of gifts by the Australian Labor Party and the Liberal Party is based on the Commonwealth specified amount of \$10,300; therefore may not include all gifts over the State specified amount of \$1,800.

## Appendix 4

### SUMMARY OF GIFTS AND OTHER INCOME RECEIVED BY EACH ASSOCIATED ENTITY\*

<b>Associated Entity</b>	<b>Political Party</b>	<b>Total of Gifts \$1,800 or more \$</b>	<b>Total Gifts and Other Income 2006–2007 \$</b>
Liberal Party of Western Australia Pty Ltd**	Liberal Party of Australia (WA Division) Inc.	0.00	113,779.80
LPPH Pty Ltd**	Liberal Party of Australia (WA Division) Inc.	0.00	72,845.00
Perth Trades Hall Inc.**	Australian Labor Party (WA Branch)	77,671.50	278,385.29
The 500 Club**	Liberal Party of Australia (WA Division) Inc.	35,322.00	559,567.00

\* Associated Entities are not required to disclose expenditure incurred in an election.

\*\* Returns based on Commonwealth specified amount of \$10,300; therefore may not include all gifts over the State specified amount of \$1,800.

## Appendix 5

### GIFTS \$1,800 OR GREATER RECEIVED BY ASSOCIATED ENTITIES\*

Names in the following table are in the same format as provided by the respective associated entities.

Associated Entity	Donor	For 2006–2007 \$
Perth Trades Hall Inc.**	Australian Labor Party (WA Branch) (interest free loan)	77,671.50
	<b>Total</b>	<b>77,671.50</b>
The 500 Club**	PKF	13,300.00
	Terrace Properties & Investments Pty Ltd (gift-in-kind)	22,022.00
	<b>Total</b>	<b>35,322.00</b>

\* Associated Entities are not required to disclose expenditure incurred in an election.

\*\* Returns based on Commonwealth specified amount of \$10,300; therefore may not include all gifts over the State specified amount of \$1,800.

## Appendix 6

### SUMMARY OF GIFTS RECEIVED AND EXPENDITURE INCURRED BY EACH CANDIDATE AT THE 2007 PEEL BY-ELECTION

Candidate Ballot Paper Name	Party Ballot Paper Name	Total Gifts \$1,800 or more	Total Gifts \$	Total Expenditure \$
BRADSHAW, Craig	ONE NATION	0.00	0.00	0.00
COLEMAN, Graeme	Liberal	0.00	0.00	0.00
JECKS, Dawn	Greens (WA)	0.00	0.00	0.00
KETTLE, Gerard	Independent	0.00	350.00	10,074.31
McCARTHY, Brian	CITIZENS ELECTORAL COUNCIL	0.00	0.00	0.00
PAPALIA, Paul	Australian Labor Party	0.00	0.00	0.00
TREMAIN, Brent	Christian Democratic Party WA	0.00	0.00	0.00
WOODWARD, Robert	Independent	0.00	0.00	0.00

## Appendix 7

### ELECTORAL FUNDING ENTITLEMENTS RECEIVED BY POLITICAL PARTIES AND CANDIDATES AT THE 2007 PEEL BY-ELECTION

Candidate (Ballot Paper Name)	Political Party (Ballot Paper Name)	Valid Votes	Vote Share %	Entitled Amount Paid \$
BRADSHAW, Craig	ONE NATION	913	4.27	1,326.61
COLEMAN, Graeme	Liberal	5179	24.21	7,525.19
JECKS, Dawn	Greens (WA)	1941	9.07	2,820.31
KETTLE, Gerard	Independent	1062	4.96	1,543.11
McCARTHY, Brian	CITIZENS ELECTORAL COUNCIL	168	0.79	0.00
PAPALIA, Paul	Australian Labor Party	10801	50.48	15,694.07
TREMAIN, Brent	Christian Democratic Party WA	871	4.07	1,265.58
WOODWARD, Robert	Independent	461	2.15	0.00
	<b>Totals</b>	<b>21396</b>	<b>100.00</b>	<b>30,174.87</b>



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