



**PARLIAMENT OF WESTERN AUSTRALIA**

**INAUGURAL SPEECH**



**Hon Benjamin Letts Dawkins, MLC**  
(Member for South West)

Legislative Council

Estimates of Revenue and Expenditure

Wednesday, 14 June 2023

*Reprinted from Hansard*

# Legislative Council

Wednesday, 14 June 2023

---

## ESTIMATES OF REVENUE AND EXPENDITURE

### *Consideration of Tabled Papers*

Resumed from 13 June on the following motion moved by Hon Stephen Dawson (Minister for Emergency Services) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 2203A–E (2023–24 budget papers) laid upon the table of the house on Thursday, 11 May 2023.

**HON BEN DAWKINS (South West)** [2.10 pm]: Good afternoon. Thank you for having me, Madam President. I am not interested in politics. Politics in itself does nothing to help the people. One definition of politics is “activities aimed at improving someone’s status or increasing power within an organisation.” It is pretty obvious that by that definition I am not interested in politics because I blew the whistle on the corrupt inner workings of the Labor Party, leading me to be expelled with no status or power in any organisation. I can proudly say that I failed at politics but succeeded in Parliament, which suits me fine.

It is with exceptional pride that I have taken the parliamentary oath to serve the people of Western Australia. It would have been very hard to serve the people of Western Australia from the Labor Party, particularly as a Labor backbencher acting and voting on party lines, not to mention that the Labor Party rarely seeks to serve the people of Western Australia and mainly serves itself.

Note that the definition of politics I referred to does not include anything about serving the people. I will repeat that definition of politics: activities aimed at improving one’s status or increasing power within an organisation. I cannot avoid the label of politician, but I prefer the label of parliamentarian and I would love to be a statesman, but that is a high honour that can be assessed and bestowed upon you only by others.

On Monday, former Premier Hon Colin Barnett, AC, was recognised in the King’s Birthday honours, and I congratulate former Premier Barnett. But what is most interesting is what *The West Australian* said about him and also Mr Barnett’s interview on ABC radio. *The West* described Mr Barnett as one of this country’s last statesmen, which I find interesting. A statesman can be defined as someone who does everything for the common good of the people who he or she represents and could be thought of therefore as the opposite of a politician. This seems to be something really worth aspiring for, does it not? The parliamentary oath to faithfully serve the people and the title of honourable member seems to suggest that statesmanship is what is wanted from us, not political manoeuvring. In his radio interview, Mr Barnett said that at the beginning of his time as Premier, he made certain commitments to himself that his government would be one of integrity, that was honest and did the right thing in accordance with moral principles. This is why an understanding of ethics and even philosophy seems to be more important to me in this role than anything else. It also tells me that it is important to define your principles at the beginning of the new role and go forth with those principles, always defining your approach to each issue you encounter along the way. Surely if you hold true to the principles of honesty, frankness, fairness and serving the people, you cannot go too far wrong, can you?

I am very fortunate that I come from the legal profession, which has a set of conduct, rules and ethical standards based on honesty, frankness, service and avoiding conflicts of interest, and

*Reprinted from Hansard*

I understand that those things need to be at the centre of every action we take. I was probably dismissive and even critical of Mr Barnett because, being a member of the Labor Party on and off but first joining 34 years ago, I was typically partisan and biased and probably a bit childish in the way that I slavishly dismissed anyone from the other side of politics, but there was something about Mr Barnett that gradually over time began to impress me—an honesty and directness that was powerful. In regard to Perth Stadium when there were attempts to scupper the project due to concerns about contamination at the site, Mr Barnett simply said, “If there’s contamination there, we will dig it up and remove it.” I suspect that the public was grateful to Mr Barnett for being undeterred by the noise and providing a stadium that has now hosted an Australian Football League grand final, amongst other great events.

On the reduction of dangerous shark numbers after a fatal shark attack at Cheynes Beach in my electorate, Mr Barnett said in relation to his catch and kill policy, “I don’t do that with any sense of glee. I regret that. But, at the same time, my responsibility as Premier is to the public of Western Australia.” Brilliant. Note Mr Barnett’s commitment to the public of Western Australia, not his own popularity. Contrast this with the current government’s analysis paralysis when it comes to dealing with the recent fatal shark attack in Swan River at North Fremantle. It looked like a kid either caught the offending shark or one very similar in the river on the following night, and we were not even allowed to take that one shark out of the river. It is well established that governments have a right to control animal populations, both feral and native, if there is a risk to public safety and the native animal species is not endangered. The killer shark species is not endangered and continues to be a threat to public safety, so taking one, particularly one that fits the profile of a recent killer, is perfectly justifiable. Even if it only makes a difference of one, it would be a difference and it could be the difference that saves a child’s life.

Refusing to take any sharks that meet the profile of a dangerous shark in a swimming area is political correctness gone mad. I would like to cut through political correctness and the woke agenda by being honest and direct and always working on what helps the lives of the electors. That is an aspiration and hard to implement, I know. Perhaps both Mr Barnett and I are politically incorrect, but sometimes being politically incorrect is the morally correct thing to do. I can probably prove that I am politically incorrect because I am the only one standing here today in this chamber who has been expelled from a political party, which, in itself, is proof perhaps. I am not proud of political incorrectness. It is not something that I set out to be; it is just the result of wanting to be direct, honest, truthful, forthright, open and frank. I do not know whether it is possible to serve the people of Western Australia in the south west by rigidly sticking to the conventions of political correctness and applying a political or woke filter to everything I do or say.

I have said very little so far until today, but I take the oath to faithfully serve the people of Western Australia very seriously, as I do my oath to the court and my undertaking to represent my mainly pro bono clients in the courts. To me, there is only one way, and that is without fear or favour. Having no fear is powerful. That is why I think I have a good chance to be one of the first people to be re-elected in this chamber at the next election in 2025. I am unhindered by the party system, at least for now, and is that is the way it should be. Australia needs more Independents like Andrew Wilkie and even Jacqui Lambie. We love Jacqui because she reads things thoroughly and then speaks bluntly about whether or not it is good or bad for her beloved people of Tasmania. Jacqui is real—very real. She is too real for most and therefore unfairly criticised. Jacqui is good for democracy. She is a real person in the Parliament with real feelings and real life experience, real tragedy, real mistakes and real stuff-ups, real hardships, real thoughts and real words. Keep it real, Jacqui. We love you. I find you very loveable.

I will say a bit about my principles and my hopes for the future. I grew up in Nannup in the south west. My mum moved there from Perth in 1979 after divorcing my dad, Roger, the professor, medical doctor and immunologist. My mum met Steve, my stepfather. Steve’s parents came

from Croatia to Fremantle in 1936 and then moved down to Nannup. They were given 240 acres of jarrah and red gum and told that if they could clear it, they could keep it. An early settlement scheme for migrants. Steve was born in 1937 into this environment: a dirt floor with snakes and mice crawling over him. Steve became a farmer and a tree faller in the bush, working in a radius of around 160 kays from Nannup through nearly to Margaret River down towards Augusta at Warner Glen and towards Donnybrook, Manjimup, Greenbushes and Bridgetown. In 85 years, Steve never left his farm in the south west. Steve's best mate was the late Johnny Tomasi, a classic south west Italian. Steve would cut down the trees and Johnny would snig them in with the loader. They worked all over and were renowned jokers and pranksters. Steve once put a live dugite in the cab of a ute belonging to a forestry officer. Steve hated the government and any authority because they were always telling him what he could and could not do in the bush, which trees could be felled and which had to stay.

Johnny reckons Steve saved his life a few times, and vice versa: a better pair of characters in the south west you could never meet. It was a robust environment for me to grow up in; there was pilfering of all kinds happening down there. We spent half our time chasing kangaroos, foxes, rabbits and emus. The means of capture were not always correct by today's standards. There was marroning out of season, although Steve told me that this was done in the company of the local police sergeant at the time.

I went everywhere with Steve; I loved him and he loved me. He died last year. He wasted away in a nursing home in East Fremantle, of all places. I tried to get him back to Nannup Hospital, closer to his farm where he had lived for 84 years; Douglas Valley, he called it. The complaints section at the Health Department said he was a category 4, and Nannup Hospital only took category 3 people. "To hell with your categories," I said. "Steve hated the government, and now you're trying to kill him. He will die in Perth in a nursing home. He was born on the farm and thrives in the bush." I rang Roger Cook's office; I tried everything, including offering to build a mini-hospital on the farm, but nothing worked.

Steve went downhill in the city, like the last Tasmanian tiger in captivity in that grainy footage, pacing around its enclosure, pining for home and freedom. Captivity was what killed him. Steve said, "Norm,"—he used to call me Norm—"it would be good if you get into that Parliament, son. You can help me out and get me back to the farm, son." I said to Steve, "I didn't get in. I was number five on the ticket, Steve. Only the first three went in, Steve." "You'll get there, son," he said, and then said—I will quote, if I can—"and give 'em shit when you do."

I am proud to be here, Steve, but it is too late. Steve died last year, and we lost a unique character known across the south west. My mother meanwhile effectively joined the hippie commune in Nannup, so Steve and mum were an odd couple. Mum probably only stayed a couple of nights in the actual commune, but frequently visited the hippies and was mates with them all. Mum was generally happy that I was chasing kangaroos with Steve; she did not have to worry about me then. She was a bit worried when, looking for something to eat in the pantry, I came across a large Milo tin of green, leafy stuff; my honourable colleagues to my right would have been delighted! Mum said she was looking after the stash for a hippie friend, and I believed her. Mum was actually too fond of the civilised world to be a real hippie; the lack of sanitation and eventually diseases like hepatitis that went through the hippie commune in Nannup actually put a few people, like mum, off, and she quickly returned to relative civilisation with us three kids and Steve.

I chopped and split a lot of jarrah rounds in my youth—a huge amount. I had to fill the wood shed all the time, and Steve was a hard taskmaster, one of the hardest. I got his belt around my bottom regularly—say, every three months. Sometimes he would slap me with an open hand—not to the face and no bruising or anything—but it was really just a wake-up call. I was a dreamy, studious kid, and the slap generally did me good, in my opinion. Any kind of verbal putdowns

really hurt me, but the slaps were directed at making me work harder, chop more wood, be kinder to my mother and other things that were all valid behaviours worth reinforcing with a slap. In my experience, it did me no harm and a fair bit of good.

When I was out at the woodheap I used to listen to ABC radio—Bob Hawke and Treasurer Paul Keating—and dream about being in Canberra. My uncle John—“Jo”—Dawkins was in Canberra at the time and was Minister for Education and, later, Treasurer. I was obsessed with high office—the pride that would come from serving the people; the potential to lift the country out of recession, as it was at the time; and the honour of public service. I was hooked on that idea, so, like my uncle John, I took off to the University of Western Australia to study economics and, much later, human resources at Edith Cowan University and law at Murdoch University. But I was going to Canberra, that was for sure; there was no other conceivable destination for me.

It did not happen. I did spend a lot of time—some of it wasted—working for finance companies, mining companies and law firms. I also wasted a lot of time attending Labor Party meetings. It was not totally wasted, because I got here eventually on the back of a Labor ticket, and I am grateful for that. But I found the party system totally confusing. I wanted to be involved and get on the road to Canberra and do something, yet we were always talking about campaigning for some union-backed candidate and promoting the Labor brand based on very little substance, from what I could see. Rather than getting to serve the people, I seemed to be further away than ever.

I learnt over time that these were not meetings, as such—not places where you could speak freely—but actually sleeper cells for the factional war games. The candidates were selected years in advance by the factional overlords in the unions, and unless you were the second coming of Christ, you would not get preselected ahead of the union and factional favourites, hacks and time-servers. Even Jesus, being a carpenter back in Jerusalem, probably would not have had the numbers; the carpenters’ union was not the dominant faction back then, in the year 3 or 4 BC!

Nonetheless, I am proud to be here. I also want to provide some focus out there on people who are struggling. I do not want to dwell on, or be defined by, mental illness, but I am sharing—probably oversharing—so that even one person might feel empowered to keep working towards their goals, no matter how bad they are; people at their lowest ebb. I want to say that I know, from experience, that you can be happy again.

At the Marian Centre, Perth Clinic, Hollywood Private Hospital and, on the public side, Alma Street in Fremantle and Bentley Hospital, there are silent sufferers, forgotten by the mainstream. I know you feel like giving up. I know that mental illness can be totally debilitating. I was an inpatient at the Marian Centre about four times between 2016 and 2018, for up to three weeks at a time. I was one of the worst; no treatment would help. I did not have electroconvulsive therapy—although that was recommended—but I had just about everything else, pharmacologically and counselling-wise, that you could have.

I went backwards for a while: catatonically depressed and anxious. I got there through negative thinking, beating myself up and feeling inadequate professionally. I was working all hours of the night, suing banks, government departments and mining companies on behalf of the little guy. I loved the work and I loved being what I call a public interest lawyer. But I was paid peanuts and the clients had no money. The defendants had all the money and all the big law firms working for them, so I did not feel valued. I thought I was a loser compared with my mates, who had big jobs, working for the same banks, government departments and mining companies.

I drove myself into a huge hole, hating myself. My only suggestion to others with a debilitating illness like this is to take a step towards your goals; preferably—but not always—this is a step forward, but any step will do. It might be like me—forcing myself out of bed and walking around the block just once. One of the steps I took getting back from the brink was deciding to stop working for my father, who I had begun working for at the time, and be independent

and self-governing again. But another step, a bit later in 2020, was when I applied to run for the South West Region in this chamber. The WA Labor state secretary at the time was very supportive of my past mental illness and encouraged me to nominate for South West Region. I even tried to get the fourth spot on the ticket, but lost to John Mondy at the administrative committee stage, six votes to seven.

For me, a big part of getting out of that hole was allowing myself to dream again about serving the people. My inspiration for sharing my pathway back to recovery from mental illness comes from His Honour Mark Ritter, recently appointed to the bench of the District Court. Upon his appointment he was quoted as saying the following about law firms and mental illness —

“Examples of bullying, sexual harassment, unreasonable work hours and expectations from or condoned in one way or another by partners and principals are matters of great concern to the profession and something should be done about it,”

... I think that the way to move some of these issues forward might be collective bargaining for working conditions and maybe even a union to involve in work practices that are not up to standard.”

“In my case, the pathway for getting here has only been with the assistance of people who have helped me with my personal anxiety, self-esteem issues and shortcomings as a person. I will not name them, of course—those people in the medical and broader professions—but I do thank them.”

Like His Honour, I will also thank my helpers in the medical profession, particularly my psychiatrist at the Marian Centre—a more genuine and encouraging bloke you will never find. My psychiatrist said that, up to 2017, I was —

... ‘plagued by a very obsessional personality framework, and a deeply held fear of making mistakes, letting others down, doing the wrong thing ... This set of vulnerabilities likely originates from a childhood picture of pleomorphic anxiety/OCD, and a subjectively punitive parental figure (father), with a deeply seated sense in Mr. Dawkins of failing to meet the perceived expectations of others’

I have been particularly well and happy since 2018, Madam President, and aside from some relationship issues and some more brutal treatment from principals of law firms that has caused temporary lapses into anxiety and sadness, I am fully recovered. I use the words “mental illness” to describe my historical suffering because we should be direct and honest. Everyone has varying degrees of mental health, but it is mental illness that is the hardest to recover from and needs the most urgent treatment.

In any case, I campaigned, doorknocked and phone banked in Fremantle and volunteered on election day in Bunbury, and I was a candidate in the 2021 election. I received a letter of recognition and thanks from Premier Mark McGowan saying that I had performed a vital and important role in the re-election of the McGowan government and performed my role as a candidate with distinction. You could imagine my disappointment when I received no response to my calls and emails to Mr McGowan to discuss my situation leading up to the recount earlier this year. I acknowledge the very good people Hon Alannah MacTiernan and Mr John Mondy, and their decisions that ultimately opened up the opportunity for me, but there was no accident: I was preselected, entrenched on the ticket and the process governed by the Electoral Commission played out. I was even more horrified when Mr McGowan said to *The West Australian* that I was elected by accident. It was a dishonest and hurtful thing for him to say. I am certain that no-one has been elected to this chamber by accident by the Electoral Commission process. It is a very well defined and regulated process.

It is also a democratic right to initiate court proceedings against those who have done wrong. I was staggered to see Mr McGowan publicly state that me suing WA Labor over the corrupt

manipulation of the preselection for Forrest was one of the reasons that I was to be expelled. Taking legal action was the best thing I have ever done. Our kids need to know that you must stand up for yourself. Democracy only works when citizens participate and exercise their democratic rights. Mr McGowan's understanding of legal principles and ethics seemed to have waned since his study of the law, or perhaps Mr McGowan deliberately abandoned those principles to obtain and exercise power unilaterally. In most organisations that are regulated, there is a prohibition on taking retribution against those who have blown the whistle; but, alas, as I will come to later, political parties are beyond the law in Australia. I saw none of the integrity that Mr Barnett I think is now famous for. It is worth reflecting on contrasting styles of leadership and that sometimes organisations promote leaders because they are bold and decisive, which is attractive. But equally, those leaders can lack empathy for others or even publicly ridicule them. Power is what they crave and they have little regard for the effect that their actions have on others.

I have grave concerns about the morality of mandating an unproven vaccine, and coercing people with the threat of losing their jobs into receiving a vaccine that in some instances has caused adverse events. Unless something was proven to be safe, or even 99.9 per cent safe, you could not in all good faith mandate it, could you? You could not coerce people to take it, could you? That would be a step too far, surely. Encouraged, but mandate and coerce? No. I have empathy for those who exercised their fundamental individual freedom to choose what medical treatment is injected into their body and therefore lost their jobs, and for those who were coerced into receiving Mr McGowan's vaccine and now regret it, particularly those young people like my nephew who are suffering adverse effects of the unproven vaccine. Mr McGowan saw a high rate of vaccination as a way to improve his popularity. His motivations were to obtain more popularity and power.

I have similar concerns about how one could use their power to remove regional representation in this house and use their power to guarantee more power. That sounds power hungry. It should concern all of us that Mr McGowan rushed through an act of Parliament to quash an existing legal right held by Mr Clive Palmer. His motivation was that he did not like Mr Palmer. Where does that kind of breach of legal principle end? If the Premier does not like your mum, dad, spouse, daughter or son, will he retrospectively remove their legal rights, too? In planning, I hold similar concerns about the removal of elected councillors from the planning approvals process, and given Mr McGowan's proximity to property developers and his willingness to chase and receive their donations, that decision also looks a bit murky. Democracy and civil liberties are being destroyed in WA and in any way I can, I dedicate this term to restoring them.

It is also the party system that is killing democracy; it is absolutely stuffing up democracy and accountability completely. The Labor Party is killing democracy in this state. I stand here today, hoping to represent the people in the regions, the south west, but also out into the wheatbelt where I have worked. Can anyone think of a better region in the world to represent than the area from Mandurah to Albany? A better place in the world? If you asked me to represent the south of France, I would say "Get lost". Margaret River; Dunsborough; "Busso"; Bridgetown, where I used to play footy; Hamelin Bay, where I go salmon fishing every year; Nannup, where I grew up; Denmark; and Albany, effectively the original capital of this state and from where the Anzacs left to sail to Gallipoli. I stand here today, having stood as a Labor candidate for the south west, campaigned in Perth and Bunbury in 2021, only to find that when I get here two years later, Labor has destroyed the representation from the regions. Have political parties done this? Yes. I look to my left—he is not here—but I refer to Hon Darren West, a real farmer. I was going to ask whether the honourable member voted in favour of abolishing specific regional representation in this house. I read his speech supporting the abolishment of the regions. I find it hard to believe that his constituents at the time would have wanted no regions, but it is not his fault; you have to vote as a bloc in Labor, do you not? It seems to me that he was forced to vote for his party and not his people. Honourable member, this encapsulates the problem with political parties,

particularly Labor and the Labor majority in this state. Democracy has been destroyed in the sense that the elected representatives do not act and vote in favour of the people. Even worse, they vote in favour of further destroying democracy by removing democratic representative mechanisms such as regions in this chamber, which have traditionally given people in the country a say. It is a compounding problem.

The parties are the blockage that breaks the link between what the electors want and what happens in this house. Democracy dies when this happens. What was the motivation for this change? Labor, already the dominant force in WA, wanted to become more dominant by effectively legislating its way to a guaranteed majority in this chamber forever into the future. Labor and the unions are essentially creatures of the metro area. Yes, they have members in the bush, but here in the city it has a campaign workforce of union members and other inner-city volunteers who volunteer in their thousands in the hope of being recognised by their overlords as loyal apparatchiks, who will campaign on any basis to win government. This happens in the city—not so much in the country. Labor will dominate the city vote as a result. The opposition parties do not have this army of volunteers. In a Council without regions, the campaigning will be done in the city where the candidates think that the majority of easy votes are to be won. By extension, only city issues will be championed. Candidates are unlikely to be campaigning in the bush. They will need \$1 000 of diesel, a packed lunch and water bag to drive to remote communities in the hope of getting a single vote. Where is the return in that? There is no longer an incentive to campaign in, or indeed serve, the bush. Rewards drive behaviour. It is human nature, so nearly all candidates will focus on capturing the city vote, the low-hanging fruit. The city vote is also largely a Labor vote, so the Labor Party has stitched up the people of this state quite nicely, has it not?

As I said, I have not spoken much in this place, but I have spoken about Glen Iris Golf Course in Jandakot. The Labor Party has served itself but not the people. If I am one of the first people to be re-elected in this building as I hope to be, I am told by Leanne of the residents group in Glen Iris that the member for Jandakot will be one of the first to lose this seat. The reason: he is representing the party, not the people. In three years, he has refused to do anything to help Leanne and the others. He says that he cannot. It is true. If he speaks to the residents and supports them, he will have to go against what he has been told to do by his overlords in the government. His overlords have met with the developers, accepted \$27 500 in political donations from them and approved the development, despite the elected council overwhelmingly rejecting it nine votes to one. Disgustingly, 10 000 signatures on a petition to this chamber opposing the rezoning were ignored. The member for Jandakot has now apparently blocked the residents from his social media. In what way does that amount to delivering on the oath to serve the people of Western Australia in this building? Keep quiet, support the party not the people—that is the opposite of effective democracy. I will try to change that here. I could never do that as a Labor backbencher and I am very pleased not to be a lame duck Labor backbencher, prohibited from speaking for the people, prohibited from voting in accordance with the electors' wishes and instead voting on party lines.

I also want to say something about the word “corruption”. My first question to this house was shouted down because I used the word “corruption”. The Corruption and Crime Commission website says that corruption includes deliberately failing to perform the functions of office properly. I will not attribute that to any individual, but I think it is time that we all grew up and became a bit less precious. Standards of accountability of parliamentarians need to lift. Failure to listen and act on the voices of the electorate should be grounds for removal from office. I have never imputed or implied that there are brown paper bags changing hands, but there is dereliction of duty going on. Corruption, in the modern sense, covers all forms of improper use of office and deliberate failures to perform the role properly. If it is to be tackled, we need to talk about it and understand it. To shut down any talk of possible corruption because it might be an uncomfortable discussion to have would be corruption in itself.



Democracy has failed to adapt to the modern world. It is a perfect storm, driving governments and political parties into the realm of minority interests, populism, sensationalism, political posturing, creative accounting, information control, disinformation, misinformation and media management. I talk today about what is critical to advancing and protecting our democracy, exposing the secret operations of the institution known as a political party and reforming this ghastly institution. There are dozens of examples in recent years wherein political parties or their office bearers have faced allegations relating to their conduct. This includes branch stacking, bullying, intimidation, defamation and discrimination. This is often in the context of preselections that are undemocratically manipulated by the factions intent on removing the right of branch members to cast a local vote. It also extends to other conduct including wrongful expulsions without affording natural justice and manipulating the rules of the political party to suit their needs at the time. In fact, the rules of the political party in democracy as the whole appear to be largely ignored.

It may interest members to know that democracy, as we know it, was first created by accident. For decades after the first Reform Act 1832 in the United Kingdom, the Liberal Party and the Conservative Party debated how, and to what extent, they would further expand the franchise or pool of voters to include the working man. Each side would only support such a measure if they believed it benefited them. Call it luck, a fluke or divine intervention, but in 1867 William Gladstone, leader of the Liberals, and Benjamin Disraeli, leader of the Conservatives, finally agreed to further reforms that would double the franchise from approximately one million to two million voters. Both believed that the reforms would benefit them. It created a need to attract volunteers so the political parties could communicate with the masses. However, unsurprisingly, the party elites, whether deliberately, sociologically or a bit of both, were not prepared to surrender their power. They needed a way to attract volunteers but keep those volunteers away from the party decision-making.

It took 35 years before the Russian political scientist Moisey Ostrogorsky first analysed the inner workings of this new version of a political party. Nine years later, an Italian sociologist by the name of Robert Michels expanded on Ostrogorsky's work. What they argued was that the modern political parties were not engaging, and never intended to engage, with the members as the community believed and continues to believe today. The structure of the so-called modern political party was created to preserve the power of the elites or wire-pullers, as Ostrogorsky put it. In fact, Michels described it as inevitable that political parties would become oligarchies, concentrating power in the hands of a few people rather than the members. The honest truth is that political parties are not democratic and arguably never have been, despite claiming to be so. They do not afford local members direct and exclusive say over preselections and other decision-making. Power is centralised in the hands of the select few individuals, many of them outside the elected members of the Parliament. These individuals have been called many things: factional leaders, factional warlords, powerbrokers, faceless men and wire-pullers.

The political parties control the selection of candidates for Parliament and, therefore, who is ultimately elected to Parliament, and exert significant influence over the policy decisions of governments and also receive substantial sums of public money. There was \$74 million in the last federal election, with \$27 million to Labor and \$26.5 million to the Liberals—to run in the federal election, effectively. They perform public functions and, therefore, are in substance and practice a public institution. How can they be given public money, yet they are not even regulated? They are not even required to incorporate.

Within decades after 1867, power transitioned away from the parliamentary leaders to the so-called unelected wire-pullers inside the political parties. This continues today. They sit in the shadows, away from public scrutiny, influencing if not controlling the decisions of government by controlling the inner workings of the party. Within the Labor government of WA, these people are the union leaders, the left faction unions, mainly Carolyn Smith and the United Workers

Union. They control preselection, policy, rule changes and the exercise of all power inside the party. They care not for the party's rules. They exercise their power at will. They care not for democracy or for the people; they care only about power.

Mark McGowan was not aligned with a union and that saved us and the budget, to a degree. If history repeats, it is likely that Roger Cook this week will embark on a series of transactions to pay back the United Workers Union and the Australian Manufacturing Workers' Union for installing him as Premier. We will pay for that! There will likely be a raft of higher-than-necessary inflationary pay increases, not because we asked for it, but because Mr Cook owes a debt to those who have the real power behind the scenes.

**The PRESIDENT:** Order, member! I have been listening really quite carefully to your contribution, and I would just like to, at this stage, draw your attention to the general rules of the debate in the house, which also apply in an inaugural speech—particularly to standing orders 44 and 45. In this regard, and in any debate, including your inaugural speech, words that are offensive or make personal reflections on members of Parliament in this house or in the other house are highly disorderly and could be determined as unparliamentary. If there are matters that you wish to raise, which you feel so aggrieved about, you may have the opportunity to debate those at other times. However, in the context of your inaugural speech, I will remind you again that personal reflections on members of Parliament in both houses may be considered disorderly.

**Hon BEN DAWKINS:** I was going to say, Madam President, that I hope I am wrong about those pay increases. I just want to say that people are not fully aware of the conflicts of interest in this state but need to be told. Sunlight is the best medicine. Let us be transparent about to whom we owe our office.

Another possible source of influence over the decisions of political parties relates to political donations. There is at least a perception that money buys influence; that is, political parties are subject to the interests of those who fund them. This is another issue for reform. In this state with a massive infill housing program planned, we must, as I have alluded to, ban, for transparency, political donations by property developers in this term of government. Many people, including in Parliament, are too naive to see, too self-centred to care, or too scared to speak out about these things. As a result, a cancer to democracy is left unchecked, forever eating away at what democracy should be. This needs to change. Our citizens are entitled to know the truth, the whole truth, about how political parties operate, who is really making decisions and why they are making those decisions. They have a right to know how the decisions of their representatives and the day-to-day agenda of our governments are being controlled by external forces.

The rule of law does not apply to political parties. They can bully, blackmail, defame, discriminate and intimidate their members and candidates, and apparently they cannot be held accountable for it. They can arbitrarily expel people and exclude people from preselection or nominating for other positions. They can rig votes and internal elections and deny their members any say, and it is all okay! This can impact people's lives, personally, financially, psychologically, professionally, and their reputations. The parties have impunity. They are not bound by anti-discrimination laws. Their office bearers are not bound by professional or ethical duties. They are not required to actually be democratic. They can do all these things yet receive tens of millions of dollars from the public purse. Most political parties and their office bearers are, for all intents and purposes, above the law.

In my journey, I heard about factions and factional deals, but I thought nothing of it. Few people would open up about it. I attended branch meetings but did not enjoy it much. It was not until I sought preselection for the federal seat of Forrest that I soon experienced firsthand what it was all about. Steve McCartney, the state secretary of the Australian Manufacturing Workers' Union, told me that a deal had already been done. The seat of Forrest was already allocated to the left faction and his union, Steve and Carolyn would decide. I applied saying that I believed my

application would be considered on its merits; however, it was not. The administrative committee simply rejected my application—or expression of interest, I should say—because I was not a member of the correct union, or any union. I had already been praised by Mr McGowan for my work in the state campaign and for performing my candidacy in the state election with distinction. No truthful reasons were ever given for my being eliminated before my credentials were even considered. There was no merit selection process. The process was a sham.

In 2013, the WA Labor Party changed its rules to create a two-stage process for preselection in which members would first have to submit an expression of interest to the administrative committee. That was the process I was in. It was hailed by the WA Labor Party, including Mark McGowan at the time, as a move towards democracy and greater local say in preselection. The administrative committee of WA Labor used its newfound power to execute applicants it did not want and allow candidates who aligned with predetermined factional union deals to progress. That is less democratic. The reasons for the changes to the rules in 2013 were a lie. Instead of the wire-pullers controlling the vote, they now control who goes through to a local vote. There has not been a democratic vote of branch members for preselection in WA Labor since 2012 in the federal seat of Tangney. The people's power has been deliberately cut out of the system.

In 2021, Ben Harris, convener of the right faction in Labor, sent an email to factional members about preselection for the federal seat of Swan. I table this email to the house.

**The PRESIDENT:** Order, member. In order to table any documents, you need to seek the leave of the house.

**Hon BEN DAWKINS:** I seek leave of the house to table this document.

**The PRESIDENT:** Is leave granted?

**Members:** Aye.

**The PRESIDENT:** Leave is granted.

**Hon Matthew Swinbourn:** I said no.

**The PRESIDENT:** Just one moment, honourable member. There may have been dissent in leave being granted, so I will put the question again. Is leave granted for the document to be tabled?

[Leave denied.]

**The PRESIDENT:** There has been an indication that leave is not granted; therefore, the document is not tabled. Please continue your remarks.

**Hon BEN DAWKINS:** That is fine; I brought it in case.

In the email Ben Harris states, among other things —

On Friday, members of the Broad Left used their majority on the Administrative Committee to eliminate a candidate for preselection on factional grounds and circumvent the Party's democratic processes for preselecting candidates.

...

Those who voted against our motion ultimately voted to deprive every rank-and-file member in Swan an opportunity to choose their preferred candidate.

...

However, the actions of the Broad Left to deny local electors any say in the preselection process is shameful. Swan is an important seat in the upcoming election and disenfranchising local members of the Party does nothing to help us win it back.

...

What does it say when a person of Fiona's calibre is told that the Labor Party won't even allow her to nominate for preselection? This is an issue not just in Swan but for any future preselection in WA if this decision stands. What is to stop those on Admin, who voted to circumvent the Party's Rules, from doing it again?

This email is about Fiona Reid, who was arbitrarily eliminated by the left faction, which has a majority of votes on the administrative committee, because the left faction preferred its left candidate. The left's candidate went on to win a seat in federal Parliament, which means that Fiona may have been unethically and immorally done out of a job in Canberra. I say "unethically" rather than "unlawfully" because although the party rules should have the status of law under contract and administrative law, due to a quirk in our common law, they do not. When Mr Harris asks what is to stop those on admin, who voted to circumvent the party's rules, from doing it again, the answer is nothing. Such gross abuses of power have occurred ever since the rules were changed in 2013 with support from both the left and right factions.

I refer to Tristan Cockman's book *Keeping one eye open: What the Parties aren't telling you!* Can I apply for leave to submit a chapter of the book—to table it?

**The PRESIDENT:** Member, the form of words is that you seek leave to table the document.

**Hon BEN DAWKINS:** I seek leave to table the document.

[Leave granted. See paper 2283.]

**Hon BEN DAWKINS:** The book tells us that he was the only nominee when preselection for Cowan opened in 2015, having done a great job obtaining a swing in the previous federal election. In an effort to ensure that Mr Cockman did not become the WA Labor candidate for Cowan, the WA Labor Party, including now federal MP Mr Patrick Gorman, appeared to have conjured up two very doubtful expressions of interest out of time to justify reopening the expressions of interest and nominations process. Those expressions of interest were allegedly from someone who recently worked for Mark McGowan and a female person working in the media. The credibility and authenticity of the two apparent expressions of interest must be questioned in circumstances in which neither of those individuals became WA Labor Party candidates and there was no vote for preselection by local members or otherwise.

The subsequent resolution by the state executive to extend the expression of interest and nominations process then changed to allow anyone to submit an expression of interest and nominate rather than those two specific individuals. This is shown by the minutes. I seek leave to table those minutes.

[Leave granted. See paper 2284.]

**Hon BEN DAWKINS:** There are many unanswered questions. Did the expressions of interest that were suddenly referred to exist? If so, who created and signed them? Were they legitimate? Or was that an elaborate ruse, an intention to trick the party's state executive and Mr Cockman while concealing some hidden agenda or purpose? Similar things are happening at most preselections within political parties, yet our citizens do not know it. Executive committees and party officials are manipulating and abusing process to ensure that individuals aligned with their interests and ideology are being preselected. The process is a sham. WA Labor is not a democracy; it is a dictatorship. The shameful reality is that the wire-pullers and unions control everything from the membership of the party and preselection to ministerial appointments and beyond.

Political parties and their office bearers are virtually completely unregulated, a law unto themselves—all powerful, unaccountable and untouchable. The only solution is incorporation and regulation. There should be a standard set of rules that all political parties must follow. These rules should enforce a separation of power between the executive committee, the members and the disputes tribunal; enshrine democracy, the rule of law and natural justice; promote equality, transparency and accountability; provide its members with due process—that would be good;

create independent dispute tribunals; impose duties on office bearers and measures to avoid conflicts of interest; and, most important of all, prevent conflicts with a member of Parliament's parliamentary duties.

Which common law currently applies to political parties? Since 1934, several dozen cases have involved political parties including at least 10 cases over the past five years. This is in addition to dozens of legal cases involving voluntary associations to which the same common law applies. Members are probably aware that it began with the rather perplexing High Court decision in 1934 of *Cameron v Hogan*—we need to remember that case—that characterised political parties and other voluntary unincorporated associations of purely domestic concern, not justifying intervention by the courts. The court said that such cases were not justiciable. Requiring all parties to incorporate would fix that.

In 1974, the case of *McKinnon*, involving a rugby league club, highlighted the importance of voluntary associations and the importance of protecting the rights of individuals. For decades after, Supreme Courts found ways to distinguish the decision in *Cameron v Hogan* in order to allow aggrieved members to bring disputes. This included the abhorrent case of *Carter v NSW Netball Association* when a group of members created a fraudulent petition to falsely accuse a fellow member of child abuse. That resulted in the member losing her external job and suffering a mental illness. Strangely, the 2022 *Camenzuli* case, which was heard shortly before the 2022 federal election—members may recall that it delayed the last federal election—upheld the decision in *Cameron v Hogan*. The *Camenzuli* decision has reignited the conflict over how the rules of voluntary associations are to be treated at common law. It has also caused a conflict with the Victorian decision in *Asmar*, which found that certain disputes involving political parties were justiciable under the Victorian Electoral Act. At common law, only the High Court can resolve these conflicts. If the decisions in *Cameron* and *Camenzuli* are upheld, people like the plaintiff in the *Carter* case will be denied natural justice. Political parties and their office bearers continue to rely on the decisions in *Cameron* and *Camenzuli*.

When a voluntary association incorporates under state legislation, it becomes subject to standards specified in those acts. In particular, an association is normally required to adopt model rules. These model rules typically enshrine democracy inside the association—for example, by mandating that office bearers are to be elected directly by the members. However, as of 15 March 2023, according to the Australian Electoral Commission, it appears that only four out of 57 registered political parties were incorporated. In any event, state legislation does not prescribe a democratic process for preselection, a process unique to political parties. Therefore, political parties that are incorporated can still avoid the model rules.

The increasing frequency of legal cases involving political parties highlights that current laws are out of date with community expectations. Any person joining a political party has a right to expect that the rules will be binding against the political party and its office bearers, as much as the rules are binding on each member. They would also have the right to expect that the political party and its office bearers would follow the principles of natural justice and other administrative law principles or proper decision-making. Opening up preselection will attract new members to political parties and, ultimately, more capable and diverse candidates. It will also take away “jobs for the boys”, which characterises and determines most preselections. If governments consider that it is in the public interest to regulate the affairs of local sporting clubs, it is self-evident that it would be in the public interest to regulate the affairs of political parties. Current laws, including the Commonwealth Electoral Act, are inadequate to prevent the type of improper conduct I have discussed. This house should consider regulating political parties in WA in much the same way as incorporated associations. Some aspects of that regulation might be similar to those that apply to incorporated associations generally. However, other aspects might be different due to the unique functions of political parties. It is a sad state of affairs that a bowling club is more regulated and accountable than a political party. It is an

indictment on this institution in which we sit today and to which we claim to owe our allegiance to allow unelected wire-pullers and unionists inside political parties to dictate and influence the outcomes or lack of outcomes for the citizens of Western Australia.

The first step to finding a solution starts with acknowledging and talking about the problem. I hope that by etching these issues into *Hansard* for the rest of time, someone at some point, now or in the future, will join the fight to save democracy from the hands of the wire-pullers who hide within modern political parties. I will bring to the house a private member's bill that will require political parties in WA to incorporate. This will overcome the archaic 1932 authority in *Cameron v Hogan* and open the way to making political parties justiciable, democratic and accountable.

I will finish with what I call some elevator pitches on what appear to be necessary and immediate changes in this state. I do not have the means to change these things, but I have started the process of researching them and making attempts to progress them with others in this building.

The return to the state and its people from iron ore royalties has not kept pace with the massive increase in export revenue from iron ore. The people own the minerals and deserve a bigger share. The McGowan government did not act on this. Mr McGowan's friendliness to the mining industry might in part explain why this has not been rectified. It will be of interest to the people whether former Treasurer McGowan will end up on the board of a mining company in this state, in addition to his taxpayer-funded pension, especially given that that path was taken by the previous Treasurer of our state. An improvement in the return on iron ore royalties could be channelled into very worthwhile areas, such as health care.

Just quickly, Your Honour—not “Your Honour”; Madam President—I have some thoughts on housing affordability for those under 30 through the first home super saver scheme. No members in either this place or the other place are under 30. Nobody is doing anything for those under 30. Is there any reason that we could not give every person under 30 who pays tax on 30 June this year and has a residential address in WA \$1 000 from the surplus or improved iron ore royalties, which would go into the federal government's first home super saver scheme? That sounds like a no-brainer to me. Our young people are locked out of the housing market and need something like \$60 000 for a deposit on a home. Housing is the biggest issue for our young people. The generations of people in this state who have benefited from the many housing and mining booms would not begrudge their kids or grandkids a gift from the state government. This would require some cooperation from the Australian Taxation Office, but the amount would go into the young person's superannuation account. Anyone eligible for the scheme can put up to \$50 000 of their superannuation towards a home deposit. This scheme is already in place. If a young person is not eligible for the scheme, the contribution would just form part of their retirement savings. Using the superannuation scheme for this would be a non-inflationary way to spend some of the government's massive surplus.

We must also drop the voting age to 16. People of this age have a lot more invested in the future than us oldies. They are more empathetic, more socially minded and more environmentally minded. If they can pay tax, they can surely vote. A change like this is needed because we continually refuse to address youth issues in this place. Lowering the voting age would shake things up nicely and refocus our attention on these things. I will be reaching out to Emma Heyink from Margaret River in my electorate. Emma heads up the “Make It 16” campaign nationally. I will do whatever I can for Emma.

On the issue of police training and development, the shortage of police officers seems largely to be due to nobody respecting police work as a career—not even by the police. Would a way to address this be to incentivise current and future university students to take at least some policing units in addition to their other units of study? Edith Cowan University has a policing degree. I am sure that the other universities could add at least a few policing, investigation and justice units to their offerings. By doing so, graduates who have a problem in obtaining employment

upon graduation might consider policing as a long-term career. The incentive could be that, in addition to undertaking the physical and operational training, graduates could be paid more than a normal rookie who has not completed the policing units at university. I suspect that by attracting quality graduates, the additional pay would be more than offset by improved productivity.

I have appeared many times at the Western Australian Industrial Relations Commission. Other than providing jobs for ex-unionists in a union-friendly environment, I see no reason for keeping the WAIRC. We should refer our powers to legislate on industrial relations to the commonwealth. Why is WA the only state not to do so? The Fair Work Act should regulate the employment of all Australians. It is a much more modern act and, in any case, provides more protection, such as a general protection to vulnerable workers.

On the issue of the Voice, it would be undemocratic to usurp the integrity of the federal Parliament by giving one group, albeit a very important group, special influence with the Parliament. I stand in support of Indigenous leaders Warren Mundine and Jacinta Nampijinpa Price on this. The most sacred institution in our democracy is the federal Parliament. The mechanism for Indigenous representation is already there. We have 11 Indigenous members of the federal Parliament. What we need to address reconciliation is a treaty, not a committee that will undermine the integrity of our Parliament. Having a Voice to Parliament would compromise treaty negotiations. The Parliament already has the power to make a treaty. The Voice would compromise treaty negotiations because one interest group would have a seat on both sides of the negotiation; there would be a specific Indigenous group on one side of the negotiation and another specific Indigenous group called the Voice on the Parliament side of the negotiation. To a degree, the Indigenous negotiators would be negotiating with themselves, leading to a treaty that would be more complicated, expensive and divisive than it should be. I know people who are petrified that the Voice will be a Trojan horse for a form of treaty that will be catastrophic for the finances of this country and for productivity. The Parliament should have unfettered independence to negotiate a treaty with Aboriginal groups on behalf of all Australians, but, instead, it will be compromised by the Voice telling it what a treaty has to be. The Voice is ill conceived, undemocratic and dangerous and the wrong mechanism for reconciliation. I hope that the people of Western Australia can see that the Albanese government, and even the Cook government, is not being transparent about the damage the Voice will do and I hope that everyone will vote against it.

As I said, I will use my time in this Parliament to do what I can to improve democracy in this state. I thank you for your kindness and I also thank my father. Even if my father's standards were too high, I thank my father for showing me the world and letting me know that we should always strive for high standards, and I also thank him for helping me with my legal costs when I get into trouble. Usually I get in trouble for what starts out as me standing up for myself and others because I think it is right to do so, but Dad was always there for me. I also thank Steve for adopting me as a son and showing me how to love, joke with, and nurture my son.

I am worried about what I can achieve given the huge majority that Mr McGowan has built by politicising COVID and scaring people into voting for him. I know this happened because I made many campaign calls myself to electors linking COVID and "staying safe" to his re-election. I apologise to those electors for using those tactics. It is likely that my grand plans will be hard to implement but I would like to ask my new friends on the crossbench and in the opposition to help me with my proposals. I will help you guys, too. We must try to improve what we can in spite of our minority status. Equally important is the ground work, meeting with electors in the south west, Bunbury and beyond. If I can help one person to be heard and to feel better about our democracy, that is a start.

It is my pleasure to serve, President. I will keep trying.