



PARLIAMENT OF WESTERN AUSTRALIA

INAUGURAL SPEECH



Mr Christian Porter MLA
(Member for Murdoch)

Legislative Assembly

Wednesday, 12 March 2008

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MR C.C. PORTER (Murdoch) [12.06 pm]: Fellow members, I join this house as the member for Murdoch. My electorate commences at the southern end of Mount Henry Bridge and continues south beyond South Street. It is bordered predominantly by Karel Avenue on the east and by North Lake Road on the west. The Murdoch by-election, and my preselection for that by-election by the Western Australian division of the Liberal Party, occurred very quickly. In contemplating whether to stand for the seat, the first and most important decision was whether I, Jenny and the dog would be comfortable making our home in the electorate of Murdoch. Preselection was on a Wednesday. We bought our house in Bateman on the Sunday. We have been begging the banks for finance ever since!

My immediate impression, solidified by campaigning, was that the suburbs in my electorate represent all that is best about living in Western Australia, as well as all the challenges that a government must face as it strives to serve its citizens in the best way possible.

The suburbs of Murdoch are the suburbs of my childhood and adolescence, although those years were spent on the other side of the river.

Indeed, it is curious that geographical divisions have become so profound, particularly in a place such as Perth. Much is made of that imaginary Mason-Dixon line bisecting the Narrows Bridge. At one stage during the campaign, I found myself speaking with an elderly lady about the fact that I had grown up in the northern suburbs. Although the lady was impressed with my strong and early commitment to the electorate, she suggested that it might be desirable that I give her an undertaking to not travel north of the Narrows unless on business or to visit my family. I did not quite give that undertaking. The lawyer in me did, however, construct something of a compromise. I put it to her that there was no going back for me now, at least in the figurative sense. She appeared to accept that compromise.

Even at this early stage, I believe that I can lay some claim to understanding what is important to the people who live in my electorate. There are perennially important issues relating to the delivery of services in education and health care and the maintenance of public order. The housing affordability issue in Murdoch exists on an intergenerational basis, as older citizens attempt to secure homes for their children. However, as I will go on to describe, it is notable but sometimes

overlooked that often the little things matter the most. The compound effect of the minor inconveniences occasioned by the way governments deal in the lives of their already busy citizens is a cause for real concern.

It is appropriate here that I make some mention of the previous member for Murdoch. Trevor Sprigg has been eulogised in this house in a manner befitting his significant commitment to the people of his electorate. I barely knew Trevor, but over the past six weeks I have both figuratively and literally walked his trail through the electorate. It has been obvious to me that he achieved that which eludes almost everyone in political life—he was a genuinely and universally liked politician. I have no idea how he managed to combine political life with popularity; like many others here, I wish I knew.

It seems to me that the purpose of this speech is to explain to members who I am, what brought me here and what I seek to achieve by my presence here. In effect, I am to explain my choice to enter public life.

As many here will know better than I, because of the inherent giving over of the private self to public scrutiny, this choice is perhaps one of the most intensely personal decisions any individual can make. Then, in one of the most perverse peculiarities that political life provides us with, the first thing a member is required to do is to share honestly and openly the ins and outs of this personal decision with parliamentary colleagues and the public at large.

Having given this task some thought, I have determined that the best way to explain my decision to enter public life is to explain to the house my personal theories about what matters in politics. I have been told many times that my personal theories are dull. However, I have also been told that this is the first and last time that I can expect to be listened to earnestly and in relative silence by this chamber, so what better time for a dull theory? Rest assured that, while I may not take the good behaviour of members as assent to my theories, I will pretend that it represents a mild interest.

Two things brought me here—ideas and people.

These are the two things I see as critical to public policy, governments and the machinations of political life itself.

There is no point coming here with only a care for people but with no ideas to influence the decision making that ultimately affects the people intended to be cared for. Given the importance of ideas in the conduct of Australian government, it is curious that so often absent from first speeches are real attempts to accurately define the basic ideas that motivate the member. I feel certain, after only one day here, that this is not because ideas are absent from the minds of many members of this Parliament. Equally, I feel certain that we are not in a post-ideological age for state politics generally. In fact, in an age of rapid change, the anchorage provided by ideas is more important than ever, and translating ideas into policy detail is more critical and more challenging than ever before.

Perhaps it is because succinctly stating ideas is difficult and often leaves the utterer appearing foolish, naive or both. Perhaps, also, some politicians are wisely advised not to be tied down to ideas that may fall out of their own favour or may otherwise become unfashionable.

When put to the task, five ideas form the core of my world view and motivate me more than any others. I do not propose that the sum of these ideas comprises any system of values that comprehends any original or cohesive perspective on man, government or society, nor, while stating that they are strongly held—in truth, very strongly held—do I propose that these ideas are immutable or beyond personal reconsideration.

However, these are the things which I am, and to which I have first recourse in problem solving and which motivate my thinking on real-life public policy issues.

First, I am a market liberal.

I believe in the voluntary exchange of individuals and corporations conducted against a backdrop of institutions defining and protecting private property rights and enforcing duties under contract, and that, typically but not always, that system produces the best results for people and society.

Including in this formulation the proviso that it is a rule not without exception is both realistic and problematic. Once we agree that there are exceptions to the rule that market outcomes are best, when do we interfere? My answer is only when, through the rigorous analysis of the problem at hand, we can be very certain that the benefits of interference will outweigh the risks. Interference should not be based on guesswork. On this point, it is my observation that modern governments of both persuasions believe in some form in the importance of free markets, but then interfere in often delicate markets without having thought through, or in any way analysed, the potential consequences of this interference. We all too often end up with overly confident policymakers with some well-meaning but untested idea, who pit their unaided intellect against the concerted interactions of millions of players in the marketplace. Often very little is achieved, at considerable cost.

Respect for the market has never been more important than it is right now. This is because, in a world economy, changing at frightening speed, our ability in government to plan for an uncertain future in large part relies upon ensuring that our markets in Western Australia—from retail markets to power generation and land supply—are as free and adaptable as is reasonably possible.

To take one example, the present debate about retail trading hours has been shaped as a big business versus small business debate. Perhaps it would be more correctly characterised as a big business versus not-quite-so-big business debate. In many ways, the terms of this debate reveal a short-sightedness. If the large Australian-owned players in the retail market are artificially weakened, we should be careful what we wish for, in the guise of easing entry into the market of foreign multinationals. For what it is worth, on this matter I say that the Premier should stick to his guns.

Second, I am a social individualist.

Simply put, collectively we all gain if each of us permits the other to live as seems best to ourselves, rather than compelling individuals and their families to live in a manner that seems best to one or another powerful group or the government of the day.

I will make an observation relevant to this principle derived from my travels in my electorate thus far. One very curious view I experienced in Murdoch was deeply shared by many people. To put it colloquially, this was a view on the part of ordinary Western Australian citizens that, whenever they had any dealings with the government, it was just one big hassle. Further to that, they felt that, whenever the government dealt directly with them, it just caused them a hassle.

To me, this was an extremely curious phenomenon, given that the government tries so hard to please people and thereby get re-elected.

In part, this paradox may be explained by the fact that Australians—all of us—have a capacity for blame allocation that, if not unique amongst western nations, is so highly developed as to be almost an Australian civic art form. When something goes wrong in our lives, our immediate instinct is to blame someone or other for the misfortune. Often the blameworthy party is simply labelled “them”. Usually, this means government or government administration. Governments themselves have significantly contributed to the Australian ability to allocate blame before the dust of the problem has even begun to settle, in seeking to gain favour with electorates by taking over responsibilities traditionally their own, and decreasing rather than increasing what was once the other great Australian art form—self-reliance.

For my part, governments of both political persuasions seem to have drifted away somewhat from the idea that it is best to let people live their own lives the way they want to live them and to be responsible for the outcomes of those decisions.

I do not say here that there is no such thing as positive liberty—governments can and occasionally do make people more free and happier by forcing them to overcome restrictive elements of their own character. However, the promise of such betterment is often a siren song.

By and large, we should help people, and do so vigorously, but stop short of deciding outcomes for them. As a Parliament, when we intrude too much we just end up hassling our citizens and, as a government, when we try to do too much we fail to do any one thing particularly well. For these failings, blame is fairly allocated.

I favour government that reasonably pares back its areas of involvement and responsibility and thereby gives itself a real opportunity to become acutely professional in the delivery of the core services that have the greatest effect on people's lives.

Third, I am a federalist.

I believe that people are best served in terms of policy outcomes by governments that are as proximate to them as rational organisational principles will allow. Further, having equally, albeit differently, powerful governments elected at different times is the linchpin of separate and responsible government.

The sad fact for me, as a Liberal, is that this federalist principle has been honoured more in the breach than in the observance in recent years by many of my federal Liberal colleagues. The consequence now is that I am quite certain that the great bipartisan project for this Parliament will be to find innovative ways of renegotiating and repairing the federal compact.

Both sides must ensure that the people of Western Australia can turn to their own government in the knowledge that it has the policy autonomy to effect results for them on the issues closest to them.

Fourth, I am a legal conservative, and by this I mean several things.

Foremost, we should be cautious before we tamper too readily with the operation of tried and tested legal institutions. At the same time, we should recognise that legal institutions are means to public ends, and not ends in themselves. Further, the balance of powers, duties and responsibilities that we have struck, over hundreds of years of argument, between the judiciary and the legislature is a delicate one and we should strive to maintain, not disrupt, it. On this point, there is a present and passionate fashion for labelling any number of views about desirable public policy outcomes as rights, and calls for these views to then be enshrined in bills of rights at a state or federal level. The advantages of such proposals are few, and the problems with them many. To either the trained or the untrained eye, the clauses of such documents do not necessarily or even generally enshrine rights in the sense that most people commonly understand them. They set out views about what may be a desirable policy outcome or what may be a desirable process or institution. These are views about which equally rational, well-meaning people may differ and which, importantly, change over time. The determination of such matters should be the province of elected Parliaments and not the province of courts.

I will use every energy in this place to resist this trend in all its manifestations.

In the area of crime and punishment, I am a true conservative.

Having worked and lectured in criminal law at the Office of the Director of Public Prosecutions and the University of Western Australia, I can say truthfully that there is no more interesting, relevant and curious area of the legal discipline—and I might add here that there is no harder legal milieu—in which to work. My work at the DPP has taught me about people and about life. I hope that that job and other matters have caused me to come into this place, although younger than some, sufficiently experienced in life's triumphs and tragedies to feel real empathy for people's problems even though they may not be my own. Also, for the public record, I take this opportunity to say that the men and women who work at the DPP perform the greatest of community services for us all, in what are often very difficult circumstances.

For many years now in Australia a divergence of views has existed between, on the one hand, the courts, the defence bar, academics and criminologists, and, on the other hand, the general public and the media.

The latter regard criminal conduct as burgeoning and as a near-crippling societal problem that is insufficiently checked by lenient sentencing.

The former maintain that in statistical terms, criminal activity is not quite the high-growth problem that it is perceived to be, and that the penalties have been stiffened in recent times.

There is truth in both views. The problem with this analysis is that there is no one crime problem in Western Australia. It is true that recent trends have been for longer custodial sentences, certainly for offenders who have been found guilty of engaging in serious criminal conduct; that is, conduct that has traditionally been labelled by the courts as the grave offences of serious and sexual assaults, armed robbery and homicide. This fact was stated clearly by the Chief Justice of this state as recently as last weekend in our state's major newspaper service. It should be noted here, however, that the description of this as "leadership" on the part of the courts is in my view a mischaracterisation. Increased custodial sentences for grave offences has been a proper and appropriate response by the judiciary to sustained pressure from the people, their Parliament and the press. In my view, there is still some little way to go in this area.

Where the immediate public policy challenge now really lies is with those offences that are somewhat less than grave in the traditional legal sense, but whose cumulative effect has become debilitating for many local communities. I am talking here about what might be loosely labelled disorder offences—although this very label tends to diminish their cumulative seriousness. By this term I mean the occurrence and re-occurrence of property damage and graffiti to private residences and community facilities; the myriad forms of serious public misbehaviour fuelled largely by alcohol, the most prominent example of which is random violence associated with suburban parties; and the general absence of respect for authority and fellow citizens, one notable manifestation of which is all manner of idiotic behaviour on our roads.

Sadly, this is not an exhaustive list.

There should be no mistake about it: as a society, the maintenance of public order is tied directly to the ongoing maintenance of a general will to punish this sort of behaviour through the courts. This is not always easy.

Magistrates are faced with a continual stream of persons, many of whom are utterly un-notable other than for the fact of their sometimes isolated instances of misbehaviour. However, this does not lessen the debilitating cumulative effect of such misbehaviour. Magistrates face, day in and day out, the terrible job of determining whether this or that offender's life will be changed forever by the punishment they mete out. However, once a person has been convicted by plea or by the conduct of a fair and open trial, punishment of these disorder-type offences must be real and hard-felt by the offender.

A failure of will at this level of punishment will mean the erosion of liberties for all Western Australian citizens. Serious punishment for disorder offences will not always mean the imposition of custodial sentences, although often it must. As a Parliament, we must be continually aware of the need to devise and apply punishments that are precisely that—punishments. We can no longer linger with ineffective fines enforcement systems or non-custodial orders that are malfunctioning in their punitive purpose.

I will add here one final observation about the legal profession to which I belong.

Lawyers in this state have much to be proud of, and the profession is not always held in the regard it deserves, but such is life. However, one noticeable trend that in my view individual lawyers should question is the readiness to allow their peak legal bodies to voice an opinion on an issue of public

importance. These opinions are often executive or committee-generated views, and they may not be as representative of individual lawyers' views on the subject as they could be. This is a recipe for further alienating the legal community from the general community and is unhelpful. I do not mean here to speak cryptically. I often hear the Law Society of Western Australia give an immediate response through the media to this or that issue of public importance. This response is presented for all intents and purposes as though all lawyers share the view that is being offered by the society.

It appears to me that what has occurred with many peak legal bodies is that they have come to regard certain legal processes, institutions or constructs as sacrosanct. What this view fails to recognise is that what is most important is the outcome that any legal process or construct realises for the people.

Although I am a legal conservative, when a legal principle or construct, even one that has been with us for some time, is no longer realising positive results for the community, it must be reassessed, and all of us, lawyers included, should be open minded to this process.

Fifth, I am an im-perfectionist.

I can almost see all members nodding in agreement, after having listened to me for half an hour, and I am sure all members are thinking to themselves: he sure is!

Nevertheless, I use this term because of two things that have had a profound effect on my thinking.

The first is the concept that ultimate values are objective and knowable. Indeed, I doubt that there would be too much debate in this chamber as to what is the cluster of values upon which we each place the greatest importance.

However, I also subscribe to the secondary concept that, although identifiable, ultimate values or goods are in eternal conflict with each other and cannot be combined in a single human life or human institution. In short, the idea that we cannot have everything is a necessary, not contingent, truth. All the good things in life, such as liberty and equality, individual expression and community participation, are not necessarily compatible in the sense that they cannot be perfectly and simultaneously acquired. The choices we all face as individuals in structuring our own lives are often agonising. The same applies to government decisions, but with the important difference that governments claim the responsibility for explaining and justifying these sometimes almost impossible decisions.

I said earlier that my theory is that the two necessary tenets of politics and government are ideas and people. The importance of people is that they should always come before ideas.

I am confident, now that I have finally decided to resist the drift of the academics and the ideologues to an exclusive concern with ideas, and now that I have joined members in this place and so have become wedded to the people of my electorate, that my life will be all the more interesting and full for that decision.

As for the people close to me, I would like to thank the men and women of the Western Australian division of the Liberal Party. This is the party which my father served as a state director, and which my grandfather created in Queensland, upon Menzies' instruction, and which he served as a state director in Queensland and later as a minister of the Crown. Sometimes I hope that when I have children they might escape this genetic political affliction and become oil painters or racing car drivers—or both, but not at the same time.

Nevertheless, the Liberal Party and the Australian Labor Party are the two great democratic institutions of Australian public life. The long-term electoral and organisational health of the Liberal Party has a great bearing on the quality of government that this state can expect into the future; and the ever ongoing task of reforming, improving and modernising the Liberal Party is one in which I hope to play some role.

To my parents and my sister: for 37-odd years each has endured a person who thought he knew everything. I have now informed them that entering Parliament must be a sure sign that I was correct in this previous and often-made assertion. After the election, I proposed to my family a new organisational family system—that they should now listen to me in all things. As early as yesterday, this system had broken down.

My parents have given me everything. However, it is not true to say that they expect nothing from me in return. I always feel the weight of their expectations to do the best and the right, and I hope I always will.

Finally, to Jennifer: we get all sorts of advice when we enter politics. I have been told by some that I could be more emotionally demonstrative, and particularly more open and complimentary. So for Jennifer, without whom I would not have embarked upon this adventure, I have a compliment. It goes like this: “Do you remember all that stuff I said about the world being imperfect and about the impossibility of getting all the good things in life at once? Sometimes I am not so sure about that.”

Mr Speaker and fellow members of the house, thank you for your patience.

[Applause.]
