



PARLIAMENT OF WESTERN AUSTRALIA

INAUGURAL SPEECH



Hon Matthew Swinbourn, MLC
(Member for East Metropolitan Region)

Legislative Council

Address-in-Reply

Wednesday, 24 May 2017

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ADDRESS-IN-REPLY

Motion

Resumed from 23 May on the following motion moved by Hon Sally Talbot —

That the following address be presented to Her Excellency the Honourable Kerry Sanderson, Companion of the Order of Australia, Governor in and over the state of Western Australia and its dependencies in the commonwealth of Australia —

May it please Your Excellency: We, the members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

HON MATTHEW SWINBOURN (East Metropolitan) [3.10 pm]: I congratulate you, Mr Deputy President, on your elevation to the position. I am sure you will do a fine job.

I wish to acknowledge the traditional custodians of the land we are meeting on today, the Whadjuk people of the Noongar nation. I wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this state.

MY BACKGROUND

I come to this place from modest means and humble origins. Mine is not a family of high class and privilege; rather, we are a family of workers, small business people, contributors and community-minded people. I was born at Swan District Hospital in Upper Swan, delivered by a female obstetrician, which I imagine was unusual for those times and, unfortunately, is not as usual in these times as it should be. It would be fair to say that we were a working-class family. My father, Greg, was a carpenter and my mother, Lyn, a secretary. Unfortunately, my early life was dominated by the disruption of a marriage breakdown, but notwithstanding my own experiences, I remain a supporter of no-fault divorce. Surely it is better to have divorced parents than married parents living together who cannot stand each other. One of the benefits of the breakdown of my parents' marriage and their new relationships was the introduction of new family members. We were thrown together in South Australia. My two brothers, Trevor and Royce, were joined by a new brother, Andrew, and a sister, Michelle. Notwithstanding my youth, I still remember that day, mostly because I got sick and had to throw up on the side of the road, but also because of the excitement of meeting new family members. Although Michelle has chosen not to continue to be part of our lives, Andrew, you are my brother and I am proud to describe you as such. In 1980 we were joined by my baby brother, Kerry.

South Australia was a place of happiness, adventure and struggle. I know I speak for all my siblings when I say that they were the best of times and they were the worst of times. In 1983 we returned to Western Australia upon the untimely death of my grandfather from cancer. It was very different in WA from South Australia and this was probably my first experience of some of the more ridiculous examples of dysfunctional federalism. My handwriting suffered quite significantly when we returned to WA, as for reasons known only to those education bureaucrats who jealously guarded their fiefdoms, year 3 students in Western Australia were required to write on paper with very large spaced lines while in South Australia I had been writing on normal-lined paper. I have to say that it angered me as an eight-year-old, probably

more than it should have, for its sheer stupidity! We moved to Gosnells in 1984 where we built a new house, and for the first time in my life I had my own bedroom. After sharing a room with three of your brothers for most of your life, it took some getting used to. Life in Gosnells was again a struggle. My stepfather, a carpenter, struggled between periods of work and unemployment—a pattern that is still endemic in the construction industry today. We enjoyed our times as boy scouts and members of the St John Ambulance cadets.

In 1989 the relationship between my mother and stepfather ended and we went our separate ways. This again was a time of struggle. It was hard being a teenager when your mother was trying to make a new family. It resulted in tensions, and when I was 16, I moved out of home. I moved in with my nanna, who supported me through my remaining years of school. I must confess that I was not a very good student at times—nothing disruptive, just not particularly diligent. I finished year 12 and found I was trying to enter the job market at the tail end of a recession; there were no jobs and there were no apprenticeships. I went back to school for another year to repeat year 12 and only did marginally better than the first time. What followed was a period of uncertainty in my life. I was living by myself, unemployed, in a cockroach-infested bedsitter in Victoria Park trying to find out where I was going in life. I had no skills and no qualifications. Like many working-class people, the military offered me an opportunity to get a trade and earn a living. I tried out for the Navy and was accepted in 1994 to go to HMAS *Cerberus* as an aircraft technician. I was ready to go and ready to commit to my six years of naval service. Before I left, I met a woman—very importantly! I told her of the deal and she accepted that I would be heading off. I headed off to the Navy in September 1994. Well, it did not last. When you first enter the Navy, your commitment is only for the basic training and during the eighth week you are asked to sign on for your full term. I had decided to sign on for my full term and when I told this particular woman, she became very upset. When you are 19 or 20, six years seems like a very long time. I was pretty keen on this woman, so my naval career ended after 10 weeks and my relationship with my wife, Glenda, has continued for the last 23 years.

I came home with a plan: I was going to study as a mature-age student, get a job and get into university. I achieved all of this, attending Canning College in the day and working as a commercial milkman during the evening and early morning. I got into the University of Western Australia in 1996, obtaining a Bachelor of Arts, majoring in political science and anthropology—one of those will help me here I am sure! I was then accepted into the graduate law program in 2000, finally completing my law degree in 2009 and being admitted in 2014. During this period I found time to marry my love, Glenda, and father three great children, Harrison in 2003, Mitchell in 2005, and, finally, Darcy in 2008.

When my parents split, I spent a significant period without seeing my father, Greg, and that side of my family—16 years in total. I made the move to reconnect with my father in 1993. It was scary and it was hard, but I do not regret doing it for one day. I know there was always love there and we continued to build our relationship.

WORKER'S RIGHTS

I am proudly from a union background. Both my parents were union members during their working lives. My father even remained a member of the Construction, Forestry, Mining and Energy Union when he was an employer, and although I cannot say he was always a supporter of what the union did, I believe that he always thought that it was the right thing to be a union member. My own involvement began when I was a student. I started university in 1996, the first year of voluntary student unionism at UWA. While others saw the voluntary aspect as an opportunity to freeloader off those who continued to contribute, I chose to continue to be a member of the guild, supporting its activities on campus. I came to work for unions in 2002 when I was employed by the then Australian Liquor, Hospitality and Miscellaneous Union—

or the missos, as it was more commonly known at that time. I started as a workers' compensation officer. I worked for the missos for five years and I learnt much during my time there as a workers' compensation officer, then as the prosecutions officer, representing workers who had been unfairly dismissed or not properly paid by their employer, and finally as an industrial officer, looking after workers in the aged care and private health sector. It was there that I met two of my great friends, Jack Nicholas and Elyane Palmer. They have been a great support and encouragement to me over the years. In 2007, I took up an invitation from the CFMEU to join as an industrial officer. I was with the CFMEU for three years before I took on the role of senior industrial officer with the Health Services Union for 18 months, before finally returning to the CFMEU in 2012 after Mick Buchan became secretary. During my 15 years working for unions I have learnt many things, not least of which is how important unions are at helping give workers a voice, addressing the uneven balance of power in the workplace. I learned how passionate and committed the people who work for unions are about improving the working conditions of the men and women they represent. This passion is not rewarded with exorbitant salaries or lavish conditions; on the contrary, most people who work for unions are on rather modest salaries and often have to work under very demanding conditions. Of course, unions and the people who work for them are not perfect, but, then again, who is? At their core, unions and the people who work for them are fundamentally decent and have been one of the greatest drivers of social and economic change in this country. In Australia, unions do not exist simply to disrupt the economy, ferment for the revolution or protect the privileged. On the contrary, unions exist to give a voice to workers, to even up the power imbalances that exist in both our workplaces and society, to ensure a fair go all round and, at the very least, to knock the hard edges off capitalism and curb its excesses.

I am, and always will be, proud of my union heritage and background. It was a privilege every day to get up and go to work and try to make a difference in somebody else's life. Naturally, members can imagine that I have very strongly held views on workers' rights. I have had a long interest in workers' rights and social justice. What probably galvanised this interest in workers' rights into a passion was an incident that happened to me while I was a commercial milk truck driver. I was involved in an incident with an almost fully loaded milk truck. I was delivering milk to a supermarket at Canning Bridge. I had just finished a delivery and got into my truck to go. Unhelpfully, the Tip Top truck driver had blocked me into the loading ramp. I jumped into my truck to wait for him to finish when I noticed a number of shopping trolleys on the side of the truck that had started rolling down the incline towards the road. Sensing that this might cause an accident on the road, I quickly jumped out of the truck to stop the trolleys. Unfortunately, I had taken the truck out of gear and taken off the handbrake in anticipation of leaving, and in my haste I had not put it back in gear or put the handbrake back on. The truck was supposed to have an alarm to tell the driver when the handbrake was not applied. That alarm had malfunctioned some time ago and instead of fixing it, my employer had simply disconnected it. As soon as I jumped out of the truck I realised my error, and tried to get back into the truck to stop it from rolling into the other truck. Unfortunately, the door handle on the truck never worked properly and I could not get back in the truck soon enough. Stupidly, I then tried to stand in front of this fully laden truck weighing about eight tonnes to try to stop it rolling into the other truck. Thankfully, I realised what a mistake that was, or was going to be, and I was able to only just avoid getting squashed between the two trucks.

The damage to my truck was of a superficial nature—a few bent panels and a broken light. The other truck was fine. I reported the incident to my manager and went about delivering the rest of my milk that day. Clearly, I had made a number of errors of judgement that were compounded by the poorly maintained vehicle that I was driving. I apologised to my

employer for my part in the accident. My employer's response was not, unfortunately, as contrite. After giving me a verbal blasting the next working day, I was later to find out, when I went to begin my deliveries, that a note had been left on my seat. That note informed me that my pay was to be slashed by \$150 a week, which represented about 30 per cent of my income at that time. The reason for the slashing was that I had to make a contribution to his insurance excess for the accident, and punishment for the accident in itself. The rate now proposed was below that in the award, but this seemed of little concern to my employer, nor was he concerned by the fact that if the truck had been properly maintained, the accident may have been avoided. I learned several important lessons that day, not the least of which was that those who control the purse strings in the employment relationship exert far greater power than those who do not, and that they have the ability to unilaterally take away from workers what they rightfully earn, even though it may not be fair or lawful. I did stand up for myself. I was able to get some of my wages back, but from that point I decided to find another job before that one killed me. I also decided that I wanted to stand up for workers and their rights. It is high time that we recognise that when employers willingly choose to not pay workers their lawful entitlements, it is theft and it ought to be dealt with in the same manner as theft by a worker under criminal law. There is almost always a power imbalance in the employment relationship. Much of our legal system entrenches the imbalance by protecting and promoting the exercise of managerial prerogatives. Although it remains the responsibility of management to manage, workers should be entitled to have a say on those things that impact upon them, particularly those things that relate to their safety, working conditions and pay. Although much of what the state was able to achieve in the industrial relations sphere here in Western Australia was taken away from it by WorkChoices and the consequential move of powers to the federal jurisdiction, what does remain should ensure that workers are not subject to employer unilateralism and that there remains a place for pluralism in our workplaces, including those workplaces where the state is the employer.

PUBLIC HEALTH

A further issue that I am passionate about is the provision of health services to our community. We should all zealously guard our public health system for it has delivered to us the ability for any person, regardless of their means, to receive the care and attention that they need. This is especially so for our children. No child chooses to be sick or injured. There are no lifestyle diseases for them. Those children who are unfortunate enough to fall ill or be injured should always be able to receive the care that they need. As is often the case with matters that people feel passionate about, my passion is informed by my personal experiences. Our family has been cursed with a genetic mutation that has resulted in some of us dying before our time. This mutation, known as familial paraganglioma syndrome, manifests itself in cancerous tumours. This cancer took my youngest brother, Kerry Thomas-Evans, last year at the age of 36, leaving behind his family, including his wife, Nicola. He was diagnosed in 2008 and fought very hard for as long as he could. He benefited from our public health system and received the treatment he needed. If he had been born in any number of other countries, it is unlikely that we would have had the extra eight years we got with him owing to either the unavailability of treatment or the prohibitively expensive cost of the treatments he underwent. In that respect, we were lucky that he was born here in Australia. Unfortunately, the cancer has not given us any breathing space. In April 2015, my middle son, Mitchell, started to show symptoms of the disease. Although we struggled to get the proper diagnosis, owing in part to the extreme rareness of the disease, he was eventually diagnosed with two tumours: one a paraganglioma attached to his vena cava, and the second a gastrointestinal stromal tumour, otherwise known as a GIST, in his bowel. There are no other cases of these two tumours being present in a child in Australia, let alone in WA. In fact, worldwide, only a handful of people have the condition. The condition was only

formally described in medicine in 2009 as Carney-Stratakis syndrome. It is truly rare in the strictest sense of the word. In July 2015, Mitchell underwent surgery at Princess Margaret Hospital for Children to remove the tumours. The surgery was successful in removing the tumours. However, last year, Glenda and I were to discover that the tumours had spread to his liver. Unfortunately, the kind of tumours that he has cannot be treated by radiotherapy or chemotherapy, and our surgical options have now been exhausted. We are now trying a new drug, Pazopanib, and we wait with some significant degree of anxiety on our next round of tests and scan results to see whether it has helped to stop the growth of the tumours. Throughout this, we have been supported by the excellent staff at Princess Margaret Hospital and the Sir Charles Gairdner Hospital's interventional radiologists. Those who are interested in Mitchell, his condition and the progress that we are making can follow it on Facebook. My wonderful wife has set up a page, "Team Mitchell", and you have only to type it into the search field and you will see our story.

We have a good but not perfect health system. We are lucky to have such a system and we should all be grateful for it, particularly when there are so many who have so much less. In saying this, some might suggest that we should not complain or agitate about the system we have. This is simply wrong. We should all be both defending what we have and agitating to improve it. We should be helping those with less when we can, as many health professionals do, but just because others have less is not a reason for us to accept less. The continuous improvement of these services should be the goal of all in this and the other place.

PUBLIC EDUCATION

Perhaps because I am a parent and perhaps because we live with the education system every day, I feel strongly about it. I would like to think that it also goes beyond that. I have been the beneficiary of a public education, and it is public education that is the vehicle through which we can provide the equality of opportunity and outcome that is the marker of an advanced society. We should be striving for a public education system that provides the opportunity for a child from any background and means, whether disadvantaged or privileged, to enter and come out of that system with the ability and opportunity to achieve their potential. Whether this is to study at university or to secure a trade, it does not matter. In order to achieve this we must ensure that those schools of greatest needs are funded and staffed according to that need. It is not good enough for the public education system to entrench disadvantage and promote privilege.

EAST METROPOLITAN REGION

It is my honour and privilege to be a representative for East Metropolitan Region. I have a lifelong connection to the region, having been born in the Swan District Hospital and having brothers born in the Armadale–Kelmscott Memorial Hospital. The Swinbourn family also has a long connection to the region. Until my grandparents Kevin and Maureen moved out of the family home in Bassendean, there was a Swinbourn resident of the suburb of Bassendean for around 100 continuous years. Many of the Swinbourn clan still live in the region, including my family in Kenwick. On my mother's side of the family, the connection with the region began in 1967, when the Newman family, my grandparents Denis and Grace, my uncles Kevin and Ian, and my mother, Lyn, migrated to Western Australia from the United Kingdom and built a house in Armadale. My uncle Ian and my nanna still live in that house today. My brothers and I were schooled, at least in part, in the region. On my part, I attended both Seaforth and Ashburton Drive Primary Schools in Gosnells. My brothers, Andrew, Trevor and Royce, attended Gosnells Senior High School, as it was once known, or in Trevor's case it might be fairer to say he was enrolled there and only occasionally attended—love you, bro. Royce also attended Kelmscott Senior High School and my younger brother, Kerry, attended Westfield Park Primary School and Kalamunda Senior High School.

On my part, I did break the schooling connection with the region in going to high school at Kent Street Senior High School, where I met my great mates Rhian Healy and David Hodges.

It is with pride that I can stand here today and say that every seat in the east metropolitan region in that other place is held by members of the Australian Labor Party. This was not some fluke. The region has often been neglected by non-Labor governments and the seats that they held taken for granted. It is a region that needs support and investment. It is a region of growth and opportunity. By way of example, Byford, in my friend Barry Urban's seat of Darling Range, was once a sleepy town that marked the boundary between city and country. It has become a bustling suburban hub that is continuing to grow at a rapid rate, as it offers affordable housing for working people. This suburb, like many in the east metropolitan region, needs investment in infrastructure, and I am proud to be part of a government that has promised to extend the Armadale line to Byford so that the people of Byford can enjoy the benefits of Metronet and be connected to the rest of the city.

WORKPLACE SAFETY

One of the other areas that needs urgent attention in this state is workplace safety. It is simply not good enough that there are workers who are not returning home from work because they have been severely injured or, worse, they have died on the job. There is no acceptable number of workplace deaths. Safe Work Australia says that as at 22 May this year, 63 Australian workers have been killed at work. In the 16 years from 2000 to 2016, 315 work-related traumatic injury fatalities were notified to WorkSafe, equating to an average of 19.7 deaths a year in Western Australia for that period. There have been 199 work-related traumatic fatalities notified to WorkSafe since 2006–07—an average of 19.9 deaths a year. We must ask: why are these figures not decreasing? Rather, they are increasing. It is just not good enough. Where is the outrage over these figures? In the same period, 15 people have been killed in shark attacks off the WA coast, and although nothing I am saying here is about diminishing the loss of those people and the pain felt by their families and friends, surely the families of the 315 people who died at work in the same period deserve the same attention and demand for action that we have seen for those taken by sharks. Their loss and pain is no less. Like the shark attack victims, the workers who died expected to come home to their families, and tragically they did not. Unlike the shark attack victims, there was no voluntary assumption of risk on the part of these workers. No job is worth somebody's life. It is a damning fact that in the construction industry, a worker is more likely to be prosecuted for taking industrial action over safety than an employer is for an unsafe workplace. In this state, a worker is only able to refuse to work when they have reasonable grounds to believe there is a risk of imminent and serious injury or harm to their health. This means that a worker must continue to perform a task or duties when the risk is not imminent and the injury not serious. Under these laws, the workers of Wittenoom could arguably not have refused to perform their duties, because the risk of contracting an asbestos-related disease, although serious, was not imminent. I have been involved in cases in which employers have docked the wages of workers for refusing to work because they were being exposed to chlorine gas—the employer's argument being that the risk from the gas was not imminent or likely to result in serious injury. It is worth remembering that chlorine gas was a chemical weapon used during the First World War and was banned as a weapon.

What can be done? We must strengthen WorkSafe as an agency to empower it to take on employers and occupiers who do not provide safe workplaces. We can better support workers who stand up for safety in the workplace. We can ensure that the barriers that prevent unions from performing their important and critical safety role are removed. We need more stick and less carrot. The onus must be removed from the worker who has stopped work because they believe it to be unsafe from proving that it was in fact unsafe. Workers must be entitled to

take collective action on safety to support one another in the workplace, and we must introduce into the Western Australian legal system the crime of industrial manslaughter. It is not good enough that a person who is responsible for workplace safety can be grossly negligent in the performance of that role and yet only face the prospect of civil sanctions just because the death occurred in the workplace. As is often stated, safety is everyone's business, and it needs to be the business of this Parliament.

THANKYOUS

I now move to my thankyous. None of us make it to this place without the support of others. My time is too short to be able to thank all those who helped me get here. To those people, I thank you. My first thank you is to my union, the mighty Construction, Forestry, Mining and Energy Union. I thank its members, officials and leadership for the support, encouragement and opportunity that they have given me. I will not forget where I came from and I will not let them down. I particularly want to thank the secretary of the CFMEU, Mick Buchan, for his friendship, inspiration and faith in me. Mick, you have laid the foundations for me getting into Parliament. Together we can work to make the changes we have talked about to make this state a better place for working people, particularly those in the construction industry. To Mia Onorato-Sartari, I thank you for your support and encouragement in helping me to get here.

The CFMEU did not give me my start in the labour movement. For that I have to thank Chris Evans, Dave Kelly and Ken Travers. I recall that when my wife first became pregnant with our son Harrison in 2002, I received a call from Canberra from the then Senator Chris Evans, who I had worked for as a part-time and relief electorate officer while studying law. After the obligatory congratulations, Chris went on to ask me what I was planning on doing now. In my naivety, I had thought I would continue plodding on with the law degree and continue to support my growing family through the part-time work I was doing at Chapmans law firm. On hearing this, Chris, in what I thought was a rather stern voice, said there was a job going down at the missos and I had better call them to arrange an interview. Dutifully, I contacted them and I got an interview. I thought that my chances of getting a job were pretty slim. I thought there would be far better candidates out there. Fortunately, Dave Kelly saw something in me that day that perhaps I could not, and he offered me the position of workers' compensation officer. To Chris and Dave, thank you for seeing something in me that I did not see in myself, and thank you for giving me my opportunity in the labour movement.

I would like to thank my two friends Rhian Healy and Brent Savage for their support and giving up their time to come campaigning with me and to hand out how-to-vote cards on election day. I would also like to thank the Labor Party. I first joined the Australian Labor Party in 1999 while at university. I had always been a supporter of the Labor Party, and I thought it was time to join up and be a part of it. For me, the Labor Party has been the political party that has driven positive and progressive social and economic change. Whether it was the leadership of the Labor Curtin government during the Second World War, the drive and energy of the Whitlam government in the 1970s or the Hawke and Keating governments of my youth, the Labor Party represented that light on the hill that appealed to my sense of what was right and proper. I am grateful for the support of my party and for inspiring me to become a member of this place.

I come now to my children, Harrison, Mitchell and Darcy. Today I get to tell the world how very proud I am of each of you. To Harrison, my headstrong eldest child, you have the world at your feet. Do not hold yourself back, son. You have all the gifts to achieve anything you want and I am certain that with hard work you will get there. To Mitchell, my courageous middle son, you inspire so many people, my boy. Your fight and resilience gives me strength. You also give the best cuddles—for those who have not tried one, do not miss your chance.

To Darcy, my youngest child, you are so smart, earnest and caring. The world is also at your feet. I know you will leave your mark. Boys, I love you so very much and you are one of the reasons I am here.

Finally, to my wife, Glenda, who has been with me since we were teenagers, you have allowed me to indulge in this political world, even though you do not really understand it. We have faced and continue to face matters that are far more daunting than anything this place can throw at me. Together, we will continue, making the most of what we have and cherishing what we were privileged enough to have. You have, and always will be, my flower in a sea of grass. Thank you.

[Applause.]
