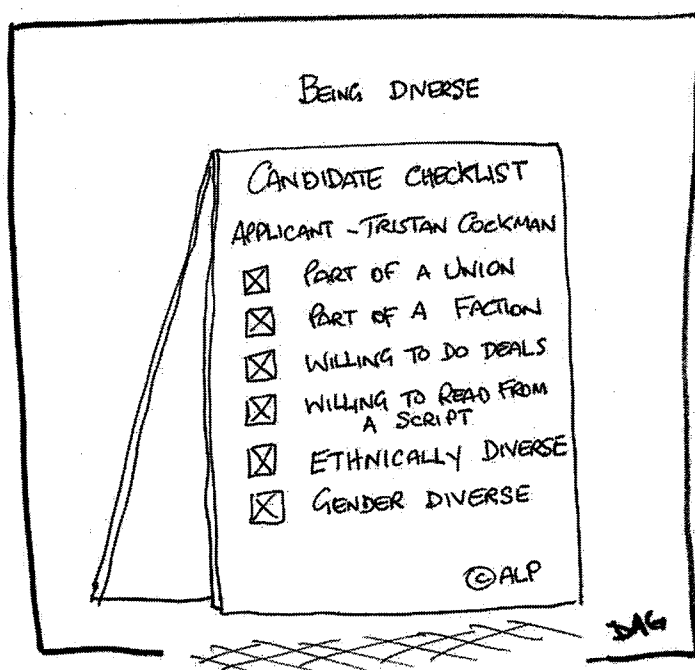


Chapter 5 – Preselection in Cowan

You will stop campaigning immediately or I will not 'tick the box' that says you have been compliant and this will mean you will not qualify for preselection.

– Patrick Gorman, state secretary of WA Labor



During the 2013 election campaign many constituents had raised issues with me that required me to continue helping them after the election. This includes issues like saving parkland from development, improving local infrastructure and addressing local traffic problems. This is not unusual. In fact, the Labor Party's own EOI form asks prospective candidates to provide detailed information about any community campaigns or activism they have been involved with. Presumably this is because the party would favour candidates who are involved with the local community over candidates who are not. Therefore one can assume the party would encourage prospective candidates to be involved in their local communities.

You can imagine my surprise then when the state secretary demanded that I stop campaigning immediately or, in effect, I will not be preselected. It seemed a little heavy handed, particularly given that he had only been in the job several weeks. This was the first meeting I had with the new state secretary (on 14 August 2015 at 3.30 pm). Before this meeting no-one in the Labor Party had asked me to stop being a community activist despite knowing about it years earlier (and despite me telling them in an earlier meeting on 26 February 2015). When I told a Labor MP that the

state secretary had demanded that I stop being a community activist, they said, "*Why the hell would you?*"

The state secretary also said that I could only continue to campaign if I was doing so 'under the banner' of a Labor senator and said Senator Joe Bullock (as the 'duty senator'¹⁷ for Cowan) would be the person to contact. This was a complete stitch up. Senator Joe Bullock at the time was conspiring against me. He was promoting Right faction member and councillor Hugh Nguyen and putting immense pressure on Hugh to stand for Cowan. The state secretary only suggested this to make it look like the party had given me an alternative and was facilitating my activities, knowing full well that nothing would come of it.

There is also significant hypocrisy on the part of the state secretary to demand that I stop being a community activist. Labor's candidate for the state seat of Belmont, Cassie Rowe, was reported by the West Australian as having been a '*community activist*' since she ran and lost the seat at the last state election (in 2013)¹⁸. As at March 2016 she was the president of the Belmont community group. On 24 July 2015 upper house Labor MP, Amber-Jade Sanderson, used a Labor Party email list to announce she would be standing as Labor's candidate in the lower house seat of Morley, six months before preselection for Morley opened. She also attended a fundraiser for the Morley campaign on 11 November 2015.

Not only were these campaigning activities and this community activism being undertaken well before preselection, such activities were also actively supported by unions affiliated with the Labor Party. Many of the office bearers of the Belmont community group are members of the AWU and TWU, which are both Right faction unions in the Labor Party. Mark Reed from United Voice told me in a meeting on 21 September 2015 that "*United Voice feels comfortable backing Amber-Jade Sanderson because she is well known in the Broad Left*". It seems there are some rules for local members and different rules for members of a union or faction.

The Labor Party did not want me to continue being a community activist prior to preselection for several reasons. One obvious reason is that they had already resolved, at least informally, that they were not going to select me as the candidate. A state MP told me this. Cowan is now the most winnable seat and, despite the fact that this is mainly due to the effort we put in during the 2013 election campaign, the factions believe that Cowan is now winnable for them. They obviously did not want me competing with their chosen candidate (whoever the candidate would eventually be).

Another reason is just bureaucracy and ego. Because I am not a member of a union or faction the faction leaders and party officials are not able to control my activities. They cannot choose the campaigns I run or the stance I take in relation to local

¹⁷ This means that the party has allocated his office responsibility for helping constituents in Cowan until the party wins Cowan.

¹⁸ Parker, G and Emerson, D 2016. 'Unionist to fight for key Lib seat', *The West Australian*, February 12. <http://tinyurl.com/j6qqckm>

issues. Some of the campaigns run by the Belmont community group are suspiciously similar to campaigns that have been or are being run by unions and/or the Labor Party (such as the campaign against the privatisation of the TAB and the past campaign against the forced amalgamation of the local council). This might be a coincidence as the members of the Belmont community may very well have genuinely¹⁹ raised these issues with the group. However, I doubt it. When it comes to campaigning (discussed further in Chapter 7) the party seeks to control everything.

Creating a process, then changing it to achieve a different outcome

I received a call from the state secretary, Patrick Gorman, on 9 November 2015 at about 9.30 pm. I was at a meeting of the Cowan campaign committee at the time, but called him back shortly after. The conversation went like this:

Patrick: I just want to let you know that the administrative committee at its meeting this evening has resolved to extend the EOI process to December to allow two 'late' EOIs to be accepted. This is about making sure that we [i.e. Labor] have the best candidate.

Me: Were EOIs actually received by the party?

Patrick: Yes, but they were rejected by the administrative committee because they were not submitted within time, but the administrative committee wants to extend the EOI process to allow them to nominate.

Me: Who are the nominees?

Patrick: Belinda [surname inaudible]²⁰. Daniel Pastorelli has also expressed an interest in running.

Me: This is ridiculous and is nothing but an attempt to bring in a Left faction candidate. This is not a proper process. It's a shemozzle.

Patrick: This is the first time we have gone through the EOI process.

Me: That is irrelevant. People have known the process all along. People would have sat down and drafted the EOI process carefully and know it. I am going to have a closer look at the rules.

Patrick: This is about making sure that we have the best candidate. The rules give the administrative committee the absolute right to do this and a precedent for this is the decision in 2013 to extend the process in Hasluck.

¹⁹ Independently of any affiliation with any union or the Labor Party.

²⁰ I will use the surname "Snow".

Me: I am going to have a closer look at the rules. What about preselection nominations? This process has closed also. Has the administrative committee extended this as well?

Patrick: The preselection process will also be reopened.

Me: Has Jonathan [Davies]²¹ been told about this?

Patrick: Yes, I have told him.

I was never informed about the proposed extension of the EOI process prior to the meeting of the administrative committee on 9 November 2015. Neither was I informed about the apparent submission of the two 'late' EOIs. I found out afterwards that I was the only nominee. Another person, Jonathan Davies, had submitted an EOI. However, as I understand it, he had withdrawn it.

Clearly the decision by the administrative committee to extend the EOI process was really a decision to reject my application (as I was the only nominee). By not telling me about the proposed extension of the EOI or the two 'late' EOIs before the meeting on 9 November 2015, I was unable to challenge the decision.

When the state secretary told me that the reason for the proposed extension to the EOI process was "*to ensure Labor had the best candidate*", I felt something was awry. Having been around politics for some time I know when there is a 'company line'. I asked if the two EOIs had actually been received by the party because there is, legally speaking, a significant difference between someone submitting a completed form late and someone merely expressing an interest in completing a form. The state secretary hesitated before answering. He obviously knew where I was going.

Although the state secretary said that the two EOIs were received and subsequently rejected, I suspect differently. When the state secretary said "*Daniel Pastorelli has also expressed an interest in running*", I got the distinct impression from the way he said it that the proposal for Daniel to run as a candidate was verbal. I have not seen any evidence of and the party has refused to provide confirmation that Daniel or Belinda actually lodged EOIs. If they had subsequent agendas and minutes of the state executive and the administrative committee meetings should confirm this (and they do not).

When the resolution to extend the EOI process was put before state executive the party omitted the names of Daniel Pastorelli and Belinda Snow. The resolution suddenly changed from allowing two specific people to nominate to allowing anyone to nominate. The resolution should have been limited to Daniel and Belinda were this the real reason why the EOI process was being extended. This is one way in which you can tell that Daniel and Belinda were not genuine candidates. There was never

²¹ Jonathan Davies was the Right faction nominee. In the end, Hugh Nguyen pulled out.

actually a vote for preselection by the local members and neither Daniel nor Belinda ended up being the person who has since been preselected.

It is a common practice of the factions to nominate 'fake' candidates for positions (including for preselection) with no intention of those candidates actually being selected. This is done for a variety of reasons but usually to gain leverage over the other faction or to buy time for the faction or the party to find another candidate. This was done in the preselection for the federal seat of Swan. Labor could not find a candidate. United Voice nominated Mark Reed, one of its employees. However, this was not a serious nomination. A high ranking Labor official told me this²².

However, this does not stop faction leaders pretending otherwise when it suits them. By the time I met with the state secretary of United Voice, Carolyn Smith, on 11 November 2015, I had already formally questioned the decision to extend the EOI and preselection processes in Cowan. I had lodged a claim with the internal disputes committee of the Labor Party. In short I pointed out how the decision breached the rules and denied natural justice.

In the meeting Carolyn Smith said to me, *"you don't see Mark Reed knocking on people's doors saying this has been an unfair process"*. She said that Mark Reed was a *"well suited and well CVed candidate"*. She was trying to get me to withdraw my claim to the disputes committee. She was insinuating that if Mark Reed, being such a good candidate (allegedly), is not complaining about us extending the process, why are you?

I was not going to fall for this. I knew that United Voice did not intend for Mark Reed to be the candidate. He was just doing as he was told. I knew this even before Carolyn Smith admitted to me that she had seen Mark Reed's nomination before it went in. So much for a fair process! I do not know what is more worrying, the fact that Carolyn Smith tried to trick me, or the fact that she expected me to fall for it. The Labor Party has since preselected another United Voice employee in Swan. Mark Reed has since been preselected on behalf of Labor for the senate. When you do as you are told you get rewards.

The factions also nominated fake candidates during the now infamous senate preselection where United Voice and Joe Bullock knifed sitting senator and local favourite Louise Pratt. The Right faction put forward Brett Treby, a councillor at the City of Wanneroo, as a nominee for the senate. This was bogus. The real intention behind it was to help Joe Bullock be elected in the event that United Voice reneged on its deal to support him. For similar reasons to those mentioned in the previous paragraph, there are strategic advantages in nominating fake candidates, mainly to compete with the opposing faction. Brett Treby will apparently do anything for the Right faction.

²² I was told something similar about Jonathan Davies – that the Right faction had nominated him not intending for him to be the candidate.

The Labor Party does not just do this kind of thing internally. They also do similar things at election time. The Labor Party nominated Louise Pratt to be number three on the senate ticket in WA²³. Labor described this as a political 'comeback'. What the Labor Party did not tell you is that it had little chance of winning three senate positions. The reason why it selected Louise is because the party was actually concerned about losing the second position (senator Glenn Sterle). The party selected Louise hoping to capitalise on community sympathy towards her with the intention that any votes Labor received above the line on the senate ballot paper, in effect, would become votes for Glenn Sterle. The nomination of Louise had more to do with saving Glenn Sterle than making up for the injustices committed against Louise.

Overview of the results of the 2013 campaign in Cowan

The 2013 election was going to be a whitewash for federal Labor. Everyone knew this. Voters were sick and tired of the Rudd-Gillard-Rudd saga and rightly so. It was highly unlikely that Labor was going to win any additional seats nationally, let alone in WA. Even though Rudd was slightly more popular locally, I knew (from what people were telling me on the doorstep) that changing back to him was not going to change the overall result (an election loss for Labor). It was going to be very difficult to receive a good result in Cowan.

This was especially the case given that Cowan, while considered a 'marginal' seat for Labor, was not a 'target marginal seat'. This means that Labor was not trying to win Cowan. It was prioritising its efforts and resources on other marginal seats (namely Hasluck and Swan). Cowan had token resources, about \$20 000 all up (all of which was fundraised by me) and comparatively fewer volunteers (most of which were sourced by me). Compare that with Hasluck where the media reported²⁴ Labor had spent over \$300 000. Party members told me that Hasluck also had an 'overflow' of volunteers. Clearly, there was a bias towards these other marginal seats. Labor had written off Cowan because it did not believe that it had the resources to fight there (I was told this by party officials and my former campaign manager).

The results of the 2013 campaign in Cowan were very positive. Table 5 shows the results of the 2013 campaign in Cowan compared with the Labor held seats of Brand, Fremantle and Perth and the Liberal marginal seats of Swan, Hasluck, Stirling and Canning (which were 'winnable' for Labor). Cowan was the best performing seat in WA on the 'primary vote'²⁵, receiving only a 0.16% swing against Labor²⁶. Compare this with the other Liberal held marginal seats of Stirling, Swan and Hasluck which received 3.54%, 4.68% and 4.79% swings against Labor.

²³ This was before the election became a double dissolution election (where all senators go up for re-election).

²⁴ I am not privy to this information.

²⁵ The 'primary vote' is the number of people who put the Labor Party number 1 on the ballot paper.

²⁶ This means that there was a 0.16% decline in the number of people in Cowan who voted for Labor compared with the previous election.

Table 5: Labor swings in marginal seats in WA in 2013 federal election

Electorate	Swing (primary vote) (%)	Votes	Swing (after preferences) (%)	Votes
Cowan	-0.16	-135 votes	-1.17 (Lib retain)	-987 votes
Brand	-0.41	-356 votes	-0.45 (ALP retain)	-391 votes
Stirling	-3.54	-2,940 votes	-4.75 (Lib retain)	-3,946 votes
Swan	-4.68	-3,829 votes	-4.00 (Lib retain)	-3,272 votes
Hasluck	-4.79	-4,108 votes	-4.30 (Lib retain)	-3,688 votes
Fremantle*	+1.88	1,637 votes	-0.93 (ALP retain)	-810 votes
Perth*	+1.06	879 votes	-1.53 (ALP retain)	-1,269 votes
Canning*	-13.71	-12,134 votes	-9.62 (Lib retain)	-8,512 votes
<i>*Special circumstances</i>				

The swings after preferences tell a similar story. Cowan received only a 1.17% swing against Labor while the other Liberal held marginal seats of Stirling, Swan and Hasluck received 4.75%, 4.00% and 4.30% swings against Labor²⁷. Fremantle, Perth and Canning (and to some extent Brand) have their own special circumstances which do not make their results comparable to Cowan, Stirling, Swan and Hasluck. The demographics in Fremantle are significantly different (so much so that to the extent that Fremantle is a marginal seat it is marginal to the Greens, not Liberal).

Perth was obviously affected by the Alannah MacTiernan factor and would not have received such a positive result without her. The seat of Perth is also typically more Labor favourable. The result in Canning is the reverse of the Alannah MacTiernan factor (she was Labor's candidate in the 2010 federal election). No-one considered Canning to be winnable for Labor. The seat of Brand had a Labor incumbent member and is also typically more Labor favourable. The most comparable results are the results in Cowan, Stirling, Swan and Hasluck because these were all Liberal held seats on small margins and they have similar demographics.

The results in Cowan are in stark contrast to the results in Stirling, Swan and Hasluck. Cowan received a significantly smaller swing against Labor on both the

²⁷ The difference between the primary votes and the swing after preferences occurs when voters who vote for minor parties change their preferences. For example, in Cowan, more voters who voted for minor parties (e.g. the Greens or the Palmer United Party) ranked Liberal ahead of Labor on the ballot paper (compared with the previous election) which, in effect, becomes a vote for Liberal.

primary vote and on preferences. There is no easily identifiable demographic reason why this would be the case. If Stirling, Swan and Hasluck are swinging significantly against Labor, Cowan should be, too. While no-one (including the Labor Party) can read minds and say with 100% certainty the reason why the results in Cowan were significantly more positive for Labor, it is more likely than not that the efforts we (my volunteers and I) made during the campaign made the difference.

I took over five months leave from my work as a lawyer (around five weeks remaining annual leave and then unpaid leave) in order to commit myself full time to the campaign. This is quite unusual. Most candidates continue with full time work and just rely on the party machine to get them elected (which I suspect is the way party officials prefer it). Taking time off work was treated with scepticism by some party officials and not because they were concerned about my personal finances, but because they now had a candidate to 'manage'. They preferred to focus on other seats and each time I sought permission to do something, I was seen as an annoyance. However, one party official was impressed by my dedication and all the doorknocking I was doing and fed this fact up the food chain to Labor's national office.

I personally doorknocked over 15 000 homes during the campaign (a quarter of the electorate) and helped many people with local issues. Labor records will only show around 12 000 because I did not have time during the last three or four weeks of the campaign to enter the data collected into Labor's online system (this is discussed in greater detail in Chapter 7). As I understand it, I was Labor's leading doorknocking and phone caller nationally out of all Labor MPs and candidates (and by far). I received a phone call pep talk from then prime minister, Hon Julia Gillard, congratulating me on my efforts and my decision to take five months off work to commit myself full time to the campaign. No other candidate appeared to be that dedicated.

Unlike many other preselected candidates I am not a parachuted candidate. I nominated for Cowan because that is where I live, where I grew up, where I attended local schools and sporting clubs and where my family has been for over 160 years. I think people prefer having locals be their candidates. They want people who know local issues and who are going to do right by their local communities. This is really difficult if you come from outside the area and have no knowledge of the local area and local problems.

How do I know that these factors played a significant role in the results? The first answer to that question is because people told me so at the doorstep, on social media and privately. They were not backward in coming forward. Many people were openly angry and hostile at the Rudd-Gillard-Rudd saga. I explained to people that neither party is really giving us the best candidates and if they vote for the strongest local, this will force political parties over time to pick locals who will likely go on to be better decision makers and better leaders. I felt that a lot of people agreed with me.

The Labor Party would not place any emphasis on my word, of course. They would assume that I am just talking myself up or am misconstruing the positive feelings that I felt I was receiving. I would be considered too 'subjective'. However, even if this is true, I can prove it (as close as anyone can). I can show how I received a swing towards me everywhere I doorknocked (without exception) including in so-called 'conservative Liberal-leaning' suburbs like Madeley (where the Labor Party told me repeatedly not to 'waste my time'). I can also go one step further. I can show a correlation between the number of people I spoke to on the doorstep in each of the suburbs doorknocked and the swing I received in those suburbs (and even individual voting booths). It would be tough for the Labor Party to argue that our efforts did not impact on the results.

The Labor Party has not denied the results of the 2013 campaign in Cowan. I included the results in a power point presentation which I showed to all of the union leaders and party officials, with the exception of Carolyn Smith at United Voice who refused to look at the presentation. Most union leaders were visibly impressed by the results and it did not appear that anyone had previously shown the results to them (you would assume that party officials would have done this after the last election). One union leader remarked that he had never seen someone put so much effort into something like this. However, it seems that the more powerful union leaders and party officials had something else in mind.

How the factions had to get rid of me

The factions had a real problem. They knew that the results in Cowan were positive and that this more than likely had something to do with the efforts we made during the campaign. They also knew that I had shown the results to local members and was intending to show them to state executive delegates (who have a 50% say in preselection). The factions knew that I would probably receive a majority support from local members and were worried that I would be able to persuade enough state executive delegates to break ranks from their factions and support me in the event that preselection proceeded to a vote. In other words there was a chance that I might actually be successful in preselection on merit against the will of the faction leaders.

In Chapter 2 I explained how the so-called movement towards making the Labor Party more democratic is a complete ruse. At the same time that local members were given a 50% say in preselection the faction leaders also introduced a two stage process for the preselection of candidates that gives them the power to screen out candidates they do not like at the first stage. The only way the faction leaders could be absolutely sure that I was not going to be a candidate was to reject my application outright at the first stage. This is exactly what they did.

The application process was a sham. It was not an honest, open and transparent process where every candidate was treated equally and where local members had an opportunity to have their say. The factions and party officials did everything they could possibly do to deny and frustrate participation by an individual candidate and by local members. They nominated fake nominees to extend the process, they

rejected an application from an individual candidate without any proper basis and they misled local members into believing that they actually had a say.

Summary

The process in Cowan was rigged from the start. The factions did not want me campaigning as a community activist because they had already resolved not to select me as a candidate. They clearly had conversations about how to exclude me from the nominations process and realised that they could not allow the process to proceed to a vote. The positive results of the 2013 campaign were meaningless. They deliberately adopted a negative perspective about everything and used their own ambitious and loyal faction members as pawns to achieve their preferred outcome. However, one issue that is worth discussing in greater detail is the role that party officials play in serving the factional system and maintaining corrupt processes.