



MEMORANDUM

To: State Council

From: Richard Wilson, State President

Date: 29 January 2022

Re: **PRESELECTION REFORM – DRAFTING INSTRUCTIONS FOR C&D**

This memo seeks to do three things:

- Recap the activities and consultation that have taken place to progress preselection reform since the consideration of the *Road to Reform* State Election review in September 2021;
- Outline the preselection model/s being considered in light of those activities, and the proposed drafting instructions to be issued to the Constitutional and Drafting (C&D) Committee to assist them in preparing constitutional amendments for the Party's consideration at the 2022 State Conference; and
- Summarise the process that will allow the Party to consider, provide feedback, and decide upon whether to adopt the proposed model/s.

Activities since State Conference

Following State Council's consideration of the *Road to Reform* State Election review at a special meeting in September 2021, two motions were passed at the Party's annual State Conference in October which:

- Demonstrated in-principle support for plebiscites; and
- Empowered me to continue with a consultation process to inform constitutional amendments to be presented at the 2022 State Conference.

In November 2021, State Executive endorsed the proposed approach to consulting branches and divisions about preselection reform and agreed the process should culminate in constitutional amendments being presented to the 2022 State Conference.

Over the course of November 2021-January 2022, I have conducted 8 workshops with Divisions to share the findings of the *Road to Reform* State Election review, provide additional analysis to inform thoughts on reform, and listen to the views of members on how reform should be pursued. The remaining Divisional workshops have been scheduled for February 2022, or are being planned.

Proposed preselection reforms

Following these consultation workshops, a series of reforms are being proposed for the selection of candidates in lower house seats (Legislative Assembly and House of Representatives).

Preselection models for other houses of parliament will be as follows:

- As per recommendation 57 of the *Road to Reform* State Election review, it is proposed that State Council should retain its responsibility for selecting Senate candidates.
- Given the McGowan State Labor Government's Electoral Act amendments abolishing Legislative Council regions (passed in late-November 2021), pre-selection models for the state upper house will be considered in a separate, later reform process and be informed by the final model adopted for lower house preselections.

For lower house (Legislative Assembly and House of Representatives) preselection reforms, reforms to the following areas are proposed:

- Composition of selection committees
- Vetting procedures
- Special provisions for rural and regional divisions
- Safeguards to prevent branch stacking

Composition of selection committees

The *Road to Reform* State election review recommended that “*Candidates for pre-selection for parliamentary seats should be chosen by a plebiscite of Party members resident in each electorate and on the electoral roll for that electorate who have been members of the Party continuously for at least 12 months. Once the number of local member attendees has been determined, the State Director will randomly draw State Council delegates (as currently happens) to comprise 20% of the entire number of eligible delegates.*”

Data tabled at the consultation workshops showed the average number of entitled delegates for preselections for Legislative Assembly “key seats” during the 2021 round of preselections was 35. Notably, not a single person across any of the workshops voiced their support for keeping preselection committees the same size, and there was broad support for increasing the number of delegates participating in preselections (albeit to differing degrees).

However, the workshops showed there are differing views concerning the proposed electoral roll residency requirement:

- Supporters of mandating the electoral roll residency requirement expressed concern that allowing non-local members could result in the signing-up of members who live outside the electorate, with those “outside” members having a disproportionate influence over preselections. This was viewed as branch stacking, which should be guarded against.
- Opponents of mandating the electoral roll residency requirement expressed concern because it could disenfranchise many loyal and hardworking party members who are not on the electoral roll within the boundaries of their division, but have a genuine attachment to their chosen division through association with candidates, MPs, other members of the division or historical involvement in the division prior to boundary changes.

Similarly, while all workshop attendees supported continuing the practice of randomly selecting State Councillors to augment the number of local delegates, some workshop attendees expressed concern that retaining the proportion of State Councillors at 20% of eligible delegates.

They believe this could result in State Councillors having a disproportionately large impact on the result of a preselection. For instance, in a Federal electorate like Curtin, which has ~800 members, randomly drawing 20% of State Councillors would result in all of State Council attending the Curtin preselection.

Given State Councillors are much more likely to attend than ordinary members, it is likely the result of such a preselection would actually be determined by State Councillors rather than local residents, which is the opposite of the intent of the reforms.

To balance the above concerns, the C&D Committee should prepare constitutional amendments which deliver lower house selection committees comprised of the following delegates:

- *Local: All local branch members residing within the electorate as per their address on the electoral roll – this enfranchises all local delegates as per the recommendation of the review.*
- *Branch: Branch Presidents of every constitutional branch located within the boundaries of the electorate where a preselection is being conducted – this allows Branch Presidents who live outside the electorate to vote on the preselection, enfranchising loyal and hardworking members who are non-local in numbers small enough that they will not disproportionately impact the result of the preselection.*
- *Division: The Division in which the electorate is situated will elect six delegates at the annual Divisional Conference of the Division – this is in keeping with current practice, and allows loyal and hardworking members who live outside the electorate to vote at the preselection if they have the support of their Divisions.*
- *State Council: State Councillors (drawn at random) will make up 20% of all eligible local, branch and divisional delegates, up to a maximum of 20 State Councillors – this is consistent with the review recommendations, but caps the number of State Councillors so that they do not exercise a disproportionately large impact on the result of the preselection.*

Vetting procedures

The *Road to Reform State election review* proposed that “*The Liberal Party should form an Approved Candidate List (ACL) to select, vet and train candidates in preparation for elections... An ACL would allow there to be a proper vetting process of candidates, which should be overseen by a ‘committee of Party elders’ to be chosen by State Council*”. The review was largely silent on the specific powers, activities and composition of the proposed committee.

All attendees agreed that the current arrangements for vetting candidates, which are not codified in the constitution, are inadequate or should at least be codified for clarity.

Comparisons of committees convened for similar purposes in other states showed they typically possessed one of three types of powers:

- The power to report their findings about a candidate’s suitability to all preselectors prior to the preselection being held;
- The power to recommend State Executive reject the candidate’s application prior to it being considered by the selection committee; or

- The power to reject an application if 75% of the committee vote in favour of rejection

In workshops, the pros and cons of each of these three types of powers were discussed. While far from unanimous, a consistent theme across all workshops was that empowering the committee or State Executive with the ability to reject applications could risk those bodies acting factionally rather than considering a candidate's application or history on merit.

Instead, it would be preferable for the Committee to report on their findings about the candidate's suitability directly to preselectors, and allow them to make the decision as part of their deliberations in the preselection itself. State Council would still retain the ability to reject a selection committee's recommendation.

The same comparison of committees in other states showed two main types of potential composition:

- A panel of party elders (e.g. former State Presidents or Life Members) elected by State Council, which is consistent with the *Road to Reform* report, or
- A small committee delineated by positions held, such as the State President, State or Federal leader, State Director (or their nominees), and relevant Divisional President.

It was often remarked that both types of composition risk encouraging factional behaviour rather than considering issues or applications purely on merit. This was viewed as a less important problem if the powers of committee to directly reject applications was diluted, and remained principally with selection committees. Some viewed the involvement of State Council in electing any review panel as leaving open the process to blatant politicisation / factionalisation, and so advocated for the Candidate Review Committee to be composed on the basis of senior office holders.

To balance the above concerns, the C&D Committee should prepare constitutional amendments which sees the creation of a Candidate Review Committee which vets candidates in the following manner:

- *Powers: The Candidate Review Committee should have the power to report their findings about a candidate's suitability to all preselectors prior to the preselection being held, and to State Council prior to ratification – this keeps the responsibility for choosing candidates primarily with the selection committee and State Council.*
- *Composition: The Candidate Review Committee should comprise the State President, State or Federal leader, State Director (or their nominees), Chair of Selections Committee, relevant Divisional President and three party elders (e.g. former State Presidents or Life Members) elected by State Council – this combines the two proposed models of composition to satisfy supporters of either model.*
- *Activities:*
 - *State Director conducts vetting through questionnaires of candidate and social media checks (as per existing processes) and provides findings to Candidate Review Committee.*
 - *Candidate Review Committee reviews information from State Director, if necessary, meets with candidate to seek clarification on findings and/or if necessary recommend they withdraw.*
 - *Candidate Review Committee prepares a report on candidate which includes salient information on candidate's application and history, including a recommendation on the candidate being suitable or unsuitable.*

- *Preselection delegates deliberate on strengths and weaknesses of candidates in the normal way, with the Candidate Review Committee's findings acting as an additional source of information for preselectors to weigh in making their decision.*
- *Once the preselection committee has made their decision on their preferred candidate, the Candidate Review Committee provides its report/recommendation to State Councillors in preparation for ratification.*
- *State Councillors deliberate on strengths and weaknesses of candidates in the normal way, with the Candidate Review Committee's findings acting as an additional source of information for State Councillors to weigh in making their decision.*

Special provisions for rural and regional divisions

During the consultation workshops, rural and regional divisions wanted to investigate the possibility of virtual (or Zoom) pre-selections being held in rural seats.

It was argued that if the intent of the reforms is to encourage a greater number and greater proportion of local delegates to attend preselections, then the tyranny of distance in rural electorates may act as a barrier to achieving this goal. For example, it would be difficult to attract a representative sample of local delegates for the preselection of the Federal Electorate of O'Connor because it was less likely local delegates living in Bridgetown would travel to a preselection being held in Kalgoorlie, or vice versa.

A number of potential solutions to this problem were suggested – multi-day preselections across different regions, arranging transport from regional centres to the preselection etc. By far the solution with the most support was the prospect of virtual / Zoom preselections.

As such, the C&D Committee should consider provisions which allow the conduct of preselections for rural and regional seats to be held via virtual/electronic platforms.

Safeguards to prevent branch stacking

Throughout the consultation process, a number of proposed clauses were raised to protect the party from branch stacking. These included:

- Only delegates who have been members of the Party for the previous 12 months can vote in the preselection;
- Members can only transfer branches once in a twelve-month period;
- Proxies should be finalised and lodged with the State Director 7 business days prior to the preselection, to enable the eligibility of the proxy to be verified;
- Multiple memberships should not be paid on the same credit card, except for immediate family members living at the same address;
- The electoral roll should be the single source of truth when determining if a member is local, rather than relying on information provided to the Party when joining.

No one argued against these safeguards. As such, the C&D Committee should include the above safeguards in the constitutional amendments they prepare for consideration at the 2022 State Conference.

Next steps

The issuance of this memo prior to the conclusion of the consultation workshops in each Division is to provide Party members with the maximum amount of time to

consider drafting instructions for a future preselection model based on consistent feedback from Party members.

Members are invited to provide comment on the above models and drafting instructions by Friday 18 March 2022 via membership@waliberal.org.au. Submissions will be made public on the reform section of the Party's website as they are received.

The C&D Committee will use this memo, submissions received, and feedback from additional consultation workshops to guide their drafting of the constitutional amendments which operationalise changes to preselections.

The final model will be circulated to Party members at least 42 days prior to the 2022 State Conference, to enable detailed consideration by delegates.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'RW', enclosed within a large, loopy blue oval stroke.

Richard Wilson
State President

Appendix – Motions relating to preselection reform

In principle support for plebiscites - 2021 State Conference

That this State Conference calls for the implementation of the plebiscite method within each electorate to be used for the selection of candidates.

Trial plebiscites, workshops and future constitutional amendments – 2021 State Conference

That this State Conference supports the following principles relating to the Party's selection of candidates:

- 1. Simple preselection procedures and processes for members to understand and for head office to administer, that are prescriptive about the basic rules that apply, and are clear and unambiguous.*
- 2. Trialling changes prior to permanent adoption, commencing with State Council considering the use of section 112(c) plebiscites for the remaining House of Representatives pre-selections in 2021.*
- 3. Developing an improved system of candidate vetting and checking to better inform preselectors.*

And that State Conference requests the new State President to continue with the workshop consultation process that has already commenced and that constitutional amendments be presented at next year's State Conference.

State President to lead consultation & progress constitutional amendments – Nov 2021 State Exec

The State President moved that the State Executive:

- a) Notes the resolutions made at the 2021 State Conference and the desire for Party reform to be progressed with the only higher priority to be the Federal Election Campaign and therefore agrees that the process for pre-selection reform should:
 - i. Take place over the next eleven months, culminating in the 2022 State Conference to consider constitutional amendments;*
 - ii. Build on the principles discussed at the reform workshop on 2 October and the motions passed at State Conference on 9 October, including the trial of plebiscite preselections for the remaining House of Representatives seats and;*
 - iii. Involve Divisions and Branches in the consideration of both principles and models for reform through a topdown, bottom-up consultation process in a bid to get consensus prior to next year's State Conference.**
- b) Requests that the State President and Head Office prepare a fact pack so that Divisional Presidents can, with the assistance of the State President and State Vice Presidents where necessary, brief their branches and Divisions.*
- c) Requests that the fact pack include:
 - i. Recognition that the size of pre-selections in Western Australia are much smaller when compared to those held in other states;*
 - ii. Data on the proportion of local vs non-local delegates in recent preselections in Western Australia when compared to other states;*
 - iii. Data on the participation rate in the plebiscite trial;*
 - iv. A note that the Road to Reform: Review of the WA Liberals 2021 asserts that nepotism among family/staff of MPs is an issue;*
 - v. An observation that our constitution is long, complex and outdated when compared with other jurisdictions, and;*
 - vi. A discussion on how pre-selection models in other states compare against these principles.**